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## Committee on Economic, Social and Cultural Rights

### Implementation of the International Covenant on Economic, Social and Cultural Rights

Second periodic reports submitted by States parties  
under articles 16 and 17 of the Covenant

**China\***, \*\*, \*\*\*

[30 June 2010]

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- \* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited.
- \*\* The report of the State party also comprises the reports of Macao, China (E/C.12/CHN-MAC/2) and Hong Kong, China (E/C.12/CHN-HKG/3).
- \*\*\* The present document was submitted along with the common core document update (HRI/CORE/CHN/2010).

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## Foreword

1. The People's Republic of China ratified the International Covenant on Economic, Social and Cultural Rights (hereafter "the Covenant") in February 2001. On 27 June of the same year, the Covenant entered into force in China. On 27 June 2003, China submitted its initial report on the implementation of the Covenant, as scheduled. The United Nations Committee on Economic, Social and Cultural Rights considered China's report from 27 to 29 April 2005, and adopted its concluding observations on 13 May. In accordance with articles 16 and 17 of the Covenant and the regulations of the Economic and Social Council, on 30 June 2010, China is supposed to submit its second report on the status of implementation of the Covenant to the Secretary-General of the United Nations for transmittal to the Economic and Social Council.

2. China's second report on the implementation of the Covenant is written in accordance with the United Nations guidelines on the drafting of reports by States parties to human rights conventions (HRI/GEN/2/Rev.5) and the newly revised guidelines of the Committee on Economic, Social and Cultural Rights regarding the drafting of reports on the implementation of the Covenant on Economic, Social and Cultural Rights (E/C.12/2008/2). China's initial report already incorporated such contents as laws and legal regulations and policy mechanisms that have not yet been revised or updated, and therefore these will not be repeated in the present report.

3. The present report focuses on introducing the status and progress of China's implementation of the Covenant from 2005 to 2009 in regard to national legislative and judicial practice, including existing problems and issues. The report comprises three parts: Part 1 covers the status and progress of implementation of the Covenant by China, and is written by the Central Government. Part 2 covers the implementation of the Covenant in the Hong Kong Special Administrative Region (SAR) of the People's Republic of China, and is written by the Government of the Hong Kong SAR. Part 3 covers the implementation of the Covenant in the Macao Special Administrative Region of the People's Republic of China, and is written by the Government of the Macao SAR.

4. The Chinese Government places great importance on the concluding observations made by the Committee on Economic, Social and Cultural Rights in its consideration of China's initial report on implementation of the Covenant, and in the course of formulating and implementing the Eleventh Five-Year Plan for National Economic and Social Development (2006-2010) has given full consideration to the requirements of the Covenant and to the reasonable recommendations of the Committee, making every effort to transform them into policy measures that match China's national situation. The main recommendations of the Committee, such as the formulation of a national human rights plan of action, have already been implemented. This report not only introduces the status of implementation in respect of relevant articles, but also responds to the recommendations made in the Committee's concluding observations.

5. To undertake the task of compiling the present second report on implementation of the Covenant, a cross-departmental working group for report drafting was established in October 2009, headed by China's Ministry of Foreign Affairs, with member agencies including nearly 30 legislative, judicial and administrative departments. In the course of drafting the report, the working group consulted the opinions of nearly 20 national-level non-governmental organizations and academic research institutions (see Annex 1 for a list of names). When drafting material relating to its competent field, each department separately consulted the opinions of academic research institutions and non-governmental organizations in that field. The report also widely solicited the opinions of the general public through the website of the Ministry of Foreign Affairs.

6. In order to enhance the quality of the report, in February 2010, China and Australia jointly held a symposium on the drafting of implementation reports. This served to promote understanding among participating departments in respect of the United Nations requirements for drafting of such reports and the process of their consideration by the Committee.

7. The Chinese Government places great importance on publicizing and spreading awareness of the Covenant, and has strengthened the general public's understanding of and participation in the Covenant, the drafting of implementation reports and the process through which States parties are considered. In the second half of 2010, the United Nations Association of China will hold a competition on knowledge of the Covenant through its website, to raise the level of understanding among the Chinese public.

## 1. Article 1

### Self-determination

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

In its initial implementation report, China made clear that since the establishment of the People's Republic of China, all power in the State belongs to the people; the Chinese people became masters of the State, and through nationwide land reform and various other democratic reforms, became the owners and beneficiaries of the means of production and social wealth. China implemented the system of people's congresses, and the Chinese people exercise power through the National People's Congress and the local people's congresses. The Chinese people are able to autonomously determine national issues of major importance in the fields of politics, economics, society and culture, and fully enjoy the right to self-determination. The relevant provisions of the Constitution and systemic arrangements have already been incorporated in the initial report and will not be repeated unnecessarily here.

## 2. Article 2

### Measures taken by the State party to guarantee the full realization of economic, social and cultural rights

1. Each State party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

In its initial implementation report, China made clear the situation with regard to the promotion of a legal system to protect the economic, social and cultural rights of citizens, the development of international economic and technical cooperation, and the safeguarding of the legitimate rights and interests of foreign nationals in China. Related content will therefore not be repeated unnecessarily here. Since China submitted its initial implementation report in 2003, it has adopted the following new legislation and measures in respect of the above areas:

#### 1. Most recent legislation, programmes and measures

(1) On 14 March 2004, the Second Session of the Tenth National People's Congress adopted an amendment to the Constitution, explicitly writing into the Constitution the statement that "the State respects and protects human rights". The incorporation of human rights into the Constitution had a long-term impact on the cause of human rights in China, signalling that the construction of a human rights legal system in China had entered a new stage of historical development.

(2) In order to implement this constitutional principle, the State has taken further steps to perfect a system to guarantee human rights, incorporating the development strategy for the cause of human rights into the national economic and social development strategy. In March 2006, China's National People's Congress adopted the Eleventh Five-Year Plan for National Economic and Social Development, in which were laid out the development targets and roadmap for the economic, social and cultural fields in China for 2006-2010. These included the building of a new socialist countryside, promotion of coordinated regional development, construction of a resource-conserving and environmentally friendly society, priority development of education, raising the level of people's health and strengthening cultural construction.

(3) In its observations on China's initial implementation report, adopted in 2005, the Committee on Economic, Social and Cultural Rights recommended that China formulate a "national human rights plan of action". In April 2009, China rolled out its first National Human Rights Plan of Action (2009-2010). This was the first national programme in China focused specifically on human rights, and covered various areas of civic, political,

social, economic and cultural rights. These included work targets and concrete measures for the two-year period in regard to guaranteeing the right to work, the right to a basic standard of living, the right to social security, the right to health, the right to education, cultural rights, environmental rights, and the rights and interests of farmers, guaranteeing human rights during the reconstruction following the great Sichuan earthquake, and guaranteeing the rights of ethnic minorities, women, children, the elderly and the sick. Social organizations, non-governmental organizations, news media and the general public actively participated in the popularization and implementation of the plan of action. At the beginning of December 2009, the Chinese Government carried out an interim appraisal of the plan's implementation, the results of which demonstrated that all the various target tasks of the plan had been implemented on schedule, and that the degree of implementation of those quantifiable indicators needing two years to complete was around 50 per cent, with some reaching 65 per cent, providing an excellent basis for the full completion of the plan of action's target tasks.

In addition, since the submission of its initial implementation report, China has further perfected a legal system that guarantees economic, social and cultural rights. The legislation and implementation status for each specific right will be explained under the implementation status of the relevant article of the Covenant.

## **2. International cooperation in the field of human rights**

### **(1) China's receipt of aid**

Between 2006 and 2010, China received a total of USD 308 million in aid from three agencies: the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF) and the United Nations Population Fund (UNFPA). The project fields included support for China's comprehensive construction of a well-off society, poverty alleviation, fair development and public governance, child-related knowledge advocacy and policy development, hygiene and nutrition, basic education and child development, reproductive health, prevention and treatment of AIDS, gender equality, and South-South cooperation. In the above fields, the Chinese Government and UN agencies initiated a substantial amount of highly effective policy research that has served as an important reference for the formulation of related national policies. Since 2005, China has received aid amounting to USD 727 million through bilateral channels, and has initiated cooperation on 118 projects. International development aid projects have made positive contributions towards developing the economy in China's western region, reducing the gap between the western and eastern regions, and promoting the comprehensive, coordinated and sustainable development of China's economy and society; they have given strong support to China's pledges in regard to implementation of the International Covenant on Economic, Social and Cultural Rights, so raising the level of economic, social and cultural rights enjoyed by China's citizens.

### **(2) China's provision of foreign aid**

China respects the principle of mutual benefit with no political conditions attached, wholeheartedly helping aid recipient countries to develop their economies and promote social progress. Since the 1950s, China has provided whatever aid it can to over 120 developing countries and regions, aiding the construction of over 2,100 projects covering a variety of fields, including agriculture, industry, transport, communications, water conservancy, culture and education, and hygiene. China has also unconditionally reduced or cancelled 380 debts owed by 50 heavily indebted poor countries and least developed countries, thus reducing their burden of debt. The aid provided by China has had a positive effective in improving the conditions of social and economic development in other

developing countries, raising their capacity for autonomous development, increasing employment and incomes, and eradicating poverty, thus bringing real and tangible benefits for the people of the aid recipient country.

In recent years, with the continued development of China's domestic economy, China has successively increased the level of its foreign aid. In order to strengthen South-South cooperation, at the High-level Meeting on Financing for Development at the United Nations Summit in September 2005 and the Beijing Summit of the Forum on China-Africa Cooperation (FOCAC) in November 2006, President Hu Jintao announced a series of five policy measures regarding developing countries and eight policy measures regarding Africa, placing emphasis on strengthening cooperation in projects involving people's livelihood, such as agriculture, medical care and healthcare, and education. China has adhered to the principle that "one's words must be trustworthy and one's actions must bear fruit", and has rapidly carried out its promises, making efforts to expand the scope of benefit received. This has been enthusiastically welcomed by developing countries and has received a high appraisal from the international community.

In September 2008, at the High-level Meeting on the United Nations Millennium Development Goals, Premier Wen Jiabao announced six aid measures to be provided by the Chinese Government to other developing countries for the coming five years, pertaining to fields including agricultural production, food aid, medical care and hygiene, education and training, development of clean energy, cancellation of debts, and zero tariffs. In November 2009, at the Fourth Ministerial Conference of FOCAC, Premier Wen Jiabao announced eight measures to be provided by the Chinese Government to African countries in the coming three years, pertaining to multiple fields including environmental protection, clean energy, scientific research, provision of preferential loans, cancellation of debts, agriculture, medical care and healthcare, training, and cultural exchange. China has earnestly implemented the above measures.

(1) In regard to the safeguarding of economic, social and cultural rights, China has maintained excellent relations with relevant international agencies such as the United Nations Office of the High Commissioner for Human Rights (OHCHR), the International Labour Organization, the World Health Organization and UNESCO. Since China signed the Memorandum of Understanding on technical cooperation relating to human rights with OHCHR in 2000, the two sides have initiated six cooperative projects pertaining to three key areas: ratification of the International Covenant on Civil and Political Rights, implementation of the International Covenant on Economic, Social and Cultural Rights, and human rights education. Among these, in September 2007 in Geneva and March 2008 in Beijing, the two sides held two "training courses on strengthening the participation of civil society in the State's undertaking of work relating to human rights conventions". In March 2008, they also held in China an international symposium on the justiciability of economic, social and cultural rights. The above projects have promoted understanding in China's relevant legislative, judicial, and administrative departments and academic institutions as to the application of the articles of the Covenant to domestic law.

### 3. The principle of non-discrimination

China has already ratified a whole series of anti-discrimination-related international human rights conventions. China's legislative bodies believe that formulating a unified definition of "discrimination" is very complex, and that using separate legislation to prohibit particular phenomena and problems of discrimination that may appear is a more targeted and more operationally feasible approach that is more beneficial to protecting the rights and interests of special groups, and that thus puts the prohibition of discrimination firmly into practice.

In regard to respecting, protecting and realizing the rights enshrined in this Covenant, China has consistently upheld the principle of non-discrimination. China's citizens are all equal before the law and all equally enjoy the rights enshrined in this Covenant. Laws including China's Constitution, Regional Ethnic Autonomy Act, Protection of the Rights and Interests of Women Act, Protection of the Rights and Interests of Elderly People Act, Protection of Minors Act, Protection of Persons with Disabilities Act, and Employment Promotion Act clearly prohibit any discrimination on grounds such as ethnicity, education, gender, age or disability, make provisions on the concrete application of the principle of non-discrimination in the related fields which they address, and provide protection of the rights and interests of special groups.

#### **4. Responses to related recommendations in the concluding observations**

##### **(1) Establishment of a national commission for human rights (paragraph 41)**

China has still not yet established a national human rights institution as defined by the Paris Principles, but numerous departments bear similar responsibilities. The Standing Committee of the National People's Congress and governmental departments at various levels have all established correspondence and visitation offices, to receive, investigate and handle complaints. Supervision departments are responsible for supervising the behaviour of government bodies and officials. The issue of establishing a national human rights institution as defined by the Paris Principles is something that China is willing to study further.

##### **(2) Promotion of the Covenant as a source of law in domestic courts (paragraph 42)**

China has consistently respected the principle of abiding by its treaties, and has sought to adopt various suitable approaches, in order to carry out seriously and assiduously its obligations under the international treaties to which it is a signatory or in which it participates, including the International Covenant on Economic, Social and Cultural Rights. However, in accordance with the conventional practice of applying international treaties in China, such treaties do not directly function as the legal basis for the trial of cases in Chinese courts, and international human rights treaties are no exception; rather, they are applied after being transformed into domestic law through legislative procedures. China has consistently placed emphasis on the protection of citizens' economic, social and cultural rights, and in numerous Chinese laws and administrative legal regulations, specific provisions are made regarding the economic, social and cultural rights that China's citizens shall enjoy; strict legal responsibilities are stipulated in regard to acts which violate the above citizens' rights. A complete domestic legal system is thus constituted that is in compliance with the Covenant. The application of Chinese law by people's courts when trying cases involving citizens' economic, social and cultural rights is already able to give effective protection to the relevant rights of such citizens, and so ensure that the spirit and provisions of the Covenant are implemented.

##### **(3) Guaranteeing the rights of refugees (paragraph 45)**

China is a State party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol to the Convention relating to the Status of Refugees. It places great importance on the protection of international refugees and on cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR), and supports the positive efforts made by the international community to seek permanent solutions for the problem of refugees. It further provides, as far as possible, international protection for refugees, and guarantees their legitimate rights and interests to the maximum possible extent. It has never adopted discriminatory policies based on race, skin colour, ethnicity or provenance.

The Chinese Government has maintained close communication and cooperation with UNHCR regarding the settlement of refugees from Indochina. Since 1978, the Chinese Government has received, in a humanitarian spirit, nearly 300,000 Indochinese refugees. For over 30 years, the Chinese Government has acted on the principle of “equal treatment, non-discrimination, and equal pay for equal work”, investing a total of approximately USD 900 million in funding to provide Indochinese refugees with basic protection in regard to such aspects as daily life, production, employment, education and medical care, helping refugees to be self-reliant and to integrate as quickly as possible into local society, and facilitating reunification with relatives and voluntary repatriation for those refugees who are in a position to do so. In order to facilitate the life and work of Indochinese refugees in China, the Chinese Government has issued them with identity documents. In addition, the Chinese Government and UNHCR have cooperated in the launching of a revolving fund scheme to provide loans to state-owned farms and enterprises to provide employment opportunities for refugees. These efforts on the part of the Chinese Government have made a contribution to finding permanent solutions to the problem of the peace and stability of Indochinese refugees in China, and to safeguarding the peace and stability of the region.

Apart from the problem of Indochinese refugees, China has likewise maintained good cooperative relations with UNHCR in regard to other problems. In recent years, China and the UNHCR Representative in China have jointly launched a series of cooperative projects. Each year from 2005 to 2009, training workshops and seminars have been jointly organized, covering such issues as emergency aid in refugee crises, refugee legislation, and refugee screening procedures. China will continue to support international protection work for refugees, and is willing to enhance its cooperation with UNHCR and its representatives.

**(4) Taking into account obligations under the Covenant in international financial and trade negotiations (paragraph 69)**

As a member of the G20, China actively participates in international cooperation to cope with crises, promoting world economic recovery and sustainable growth. In this process, the Chinese Government places emphasis on carrying out its various obligations under the Covenant on Economic, Social and Cultural Rights, and has promoted the positive, pragmatic results gained at the London and Pittsburgh Summits in regard to such issues as promoting employment, supporting the most vulnerable groups, and promoting balanced development. In participating in negotiations involving international trade bodies and regional trade agreements, Chinese delegations coordinate with and listen to the opinions and recommendations of the relevant departments in regard to the domestic economic, social and cultural fields, based on China's actual current economic, social and cultural situation, thus making the process and outcomes of the negotiations beneficial to the people's enjoyment of economic, social and cultural rights, and ensuring that the entire populace, in particular those in impoverished regions, benefits from China's economic and social progress, and from international financial and trade cooperation.

**5. Difficulties and challenges facing China**

China is still a developing country. Although China's total economic volume is already ranked among the largest in the world, its per capita level is still ranked below 100 in the world. There are imbalances in development between urban and rural areas, and between regions. The per capita resource occupancy rate is low, and economic and social development is still constrained by such bottlenecks as resources, energy and the environment. Based on China's current poverty alleviation standard (per capita annual income of RMB 1,196), there are still 35.97 million people in the impoverished population, whilst the development of various social causes still relatively lags behind; the social security system must adapt to such circumstances as the aging population, accelerated

urbanization, diversification of forms of employment, and price inflation; the contradictory situation in which the level of public health development has not adapted to the health requirements of the general public, is relatively pronounced; the guaranteeing of the rights of special groups such as people with disabilities still faces pressures; among state functionaries, in particular local government personnel, awareness of human rights and the level of administration in accordance with the law need to be raised.

Although the Covenant has come into effect in China, this does not mean that all its articles have been realized in their entirety, and the enjoyment of certain rights still cannot meet the requirements of the Covenant. However, China will do its utmost to take steps, in accordance with the Covenant, to successively achieve the full realization of the rights enshrined in the Covenant.

### 3. Article 3

#### Gender equality

**The States parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.**

##### 1. Perfecting a legal system to guarantee the rights and interests of women

On 28 August 2005, the National People's Congress adopted the decision on amending the Protection of the Rights and Interests of Women Act, in order to further strengthen protection of the rights and interests of women in such areas as political rights, cultural and educational rights and interests, labour and social security rights and interests, property rights and interests, personal rights, and marital and family rights. The amended Protection of the Rights and Interests of Women Act made provision regarding raising the level of women's political participation, gave prominence to the protection of rural women's land contracts and related economic rights and interests, added provisions banning the use of domestic violence against women, broadened the scope of protection of women's personal rights, added the right to honour and the right to privacy, and supplemented new content relating principally to prevention of gender discrimination in employment and special labour protection for female employees. With the thorough implementation of the amended Protection of the Rights and Interests of Women Act, as of 30 November 2009, 29 provinces, autonomous regions and municipalities had already reformulated or revised relevant measures for implementation, earnestly incorporating the content of the legal provisions within government responsibilities.

##### 2. Policy measures and successes in regard to guaranteeing the rights and interests of women

###### (1) Formulation of government regulations to protect and promote women's development

In 2001, the Chinese Government promulgated the Women's Development Programme (2001-2010), which includes 34 main targets and 100 strategic measures relating to six key areas: women and the economy, women's participation in policy-making and management, women and education, women and health, women and the law, and women and the environment. In May 2007, the State Council Working Committee on Women and Children issued an interim appraisal report on the implementation status of the Women's Development Programme (2001-2010), the results of which showed that the implementation status of the various contents of the programme was overall good.

On 23 December 2007, the General Office of the State Council issued the National Plan of Action against Trafficking in Women and Children (2008-12). In April 2009, the State Council approved the establishment of an inter-agency joint meeting system to coordinate action to combat abduction and trafficking of women and children, which made clear the specific responsibilities of each member agency in regard to combating trafficking and abduction. In 2009, the State Council Information Office issued the National Human Rights Action Plan (2009-2010), in which it was clearly stipulated that the State would take measures to further protect the rights of women.

## (2) Current situation and trends in the protection of women's rights and interests

Through the unstinting efforts of government departments, the living and development conditions of China's women have seen a marked improvement, with advances being made in the protection of rights relating to areas including political participation, employment, education, and hygiene and healthcare.

In 2008, women made up 21.3 per cent of the total of seats in the National People's Congress. By the end of 2008, there were a total of over 15 million female cadres nationwide, accounting for 38.5 per cent of the total number of cadres. Of these female cadres, those at provincial and ministerial level or above accounted for 10.3 per cent of the total of cadres at that level, whilst those at departmental and bureau level accounted for 12.9 per cent of the total of cadres at that level, a rise of 1.3 and 0.7 percentage points respectively on 2003.

Equal employment is the most basic right to life and right to development of women, and the Chinese Government has consistently devoted itself to the protection of women's right to equal employment. Since the implementation of the Tenth Five-Year Plan, women's federations at various levels nationwide have trained up laid-off and unemployed women a total of 3,107,000 person-times, have provided introductions to employment 3,841,000 person-times, and helped 2,605,000 million women to realize reemployment. The figures for employment among China's women are continually increasing, and in 2006 the national figure for urban and rural women in employment had reached 347 million, representing 45.4 per cent of the total employed population. More and more women are entering professions in such fields as computing, software, telecommunications and finance.

China has been making smooth progress in eliminating the gender discrepancy in primary and high school education. In 2006, the net intake rates for girls and boys in primary school reached 99.29 per cent and 99.25 per cent respectively, thus basically achieving gender equality in the intake rate for primary education. In 2009, the net intake rates for girls and boys in primary school reached 99.44 per cent and 99.36 per cent respectively, showing that gender discrepancies had been eliminated in the nationwide net intake rate for primary schools. The number and proportion of women receiving higher education have shown sustained growth, with the number of active female postgraduate students totalling 661,000, representing 47.04 per cent of the total of active postgraduates. The discrepancy in the average number of years of education received by male and female students has narrowed to one year.

The Chinese Government has incorporated the issue of improving healthcare for pregnant women and women giving birth into its national development strategy, and in the Eleventh Five-Year Plan has specifically formulated concrete targets for the reduction of the maternal mortality rate and for raising the rate of hospital births. From 2001 to the end of 2008, the Ministry of Health's project to "reduce the mortality rate among pregnant women and eradicate tetanus among newborn babies" expanded from an initial 378 impoverished counties to 1,200. In addition, China has also initiated work in regard to improving access to knowledge and educating the public, in order to raise the level of scientific understanding and conceptual knowledge among the general populace in respect of maternal healthcare and reproductive healthcare. All these measures have led to a huge rise in the level of maternal healthcare and reproductive healthcare, with a large-scale reduction in the maternal mortality rate, which by 2009 had fallen to 31.9 per 100,000.

### 3. Appraisal of legislation and policy from the perspective of gender equality

The Chinese Government has successively formulated two Women's Development Programmes for the periods 1995-2000 and 2001-2010, determining the priority development fields for women and the various related indicators, and establishing bodies for monitoring and appraisal of the programmes' implementation. Provinces, autonomous regions, and municipalities directly under the Central Government have established a statistical network for monitoring the situation of women. At the same time, women's organizations such as women's federations, in their basic capacity of representing and safeguarding women's rights and interests and promoting gender equality, when participating by law in the formulation and revision of laws, legal regulations, rules and public policies, have actively conducted appraisals of the legislation and policies from the perspective of gender equality, and have put forward opinions and recommendations for amendments. In the period 2008-2009 alone, the All-China Women's Federation, at the invitation of legislative bodies, put forward opinions and recommendations on over 50 laws and policies, which received the serious attention of the relevant departments. For instance, the recommendation to include a specific chapter on "fair employment" in the Employment Promotion Act was accepted by the Standing Committee of the National People's Congress.

### 4. Responses to related recommendations in the concluding observations

#### (1) The problem of domestic violence (paragraph 57)

In respect of marital and family rights and interests, the amended Protection of the Rights and Interests of Women Act has added a provision prohibiting the use of domestic violence against women, and makes clear the responsibility of the State and relevant departments to provide rescue and assistance. It also makes further supplementary provisions in regard to such problems as the lack of clarity regarding the subjects responsible for preventing and stopping domestic violence, and the lack of operability of sanctions against domestic violence, for the first time clarifying that the State shall take measures to prevent and stop domestic violence, and listing some institutions or organizations which have important responsibilities in the prevention and stopping of domestic violence, including public security, civil administration, judicial and administrative organs, urban and rural mass autonomous grass-roots organizations and social organizations, explicitly requiring by law that they provide rescue and assistance to women victims. By October 2008, courts at various levels had established over 2000 "collegiate benches for the protection of rights" and "collegiate benches for the countering of domestic violence". Public security organs have increased the coverage of the 110 police emergency call network to include complaints about domestic violence, and have established over 12,000 domestic violence complaint centres and reporting points. Judicial and administrative departments have continually increased the level of legal aid for women, and in 2007 alone, legal aid bodies nationwide handled as many as 47,218 legal aid cases involving women. Civil administration departments have continually enhanced social rescue efforts in regard to vulnerable groups including women, establishing more than 100 anti-domestic violence shelters at 1,376 rescue management stations. By November 2009, 27 provinces nationwide had rolled out localized legal regulations and policies for the prevention and stopping of domestic violence.

**(2) Adoption of public education measures to eliminate gender-based prejudices (paragraph 49)**

With regard to the launching of public education on gender equality, judicial and administrative organs at various levels have adopted numerous approaches to develop public education on the laws and legal regulations for the protection of women's rights and interests, and social gender awareness has gradually been raised. The All-China Women's Federation and the Australian Human Rights Commission jointly held special training activities, including a national high-level seminar on women's human rights and social gender, an anti-domestic violence training workshop and a national training workshop on women's labour security rights and interests, which were geared towards member agencies of the All-China Rights Protection Coordination Group and members of grass-roots rights protection and coordination institutions, with the aim of establishing awareness of social gender and the concept of rights protection. The China Women Judges Association held workshops on The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Protection of the Rights and Interests of Women Act, further raising the standard of work in trials of cases involving women's rights protection. The Ministry of Justice, the Ministry of Agriculture, the Ministry of Labour and Social Security and the All-China Women's Federation jointly launched a women's rights protection week. The Ministry of Justice and the All-China Women's Federation jointly named the first 100 "exemplary places for women's legal public education nationwide", as well as jointly launching the "China women's legal aid programme", providing legal aid for women and female migrant workers in the central and western regions and in impoverished areas. The All-China Women's Federation established a public lecture group on women and the legal system, initiating a "large lecture-hall programme" to promote women's knowledge of the law, and vigorously launching public education on women and the legal system; with a focus on rural and rural migrant families, it also established 100 "peace homes for migrant women" and chose through public appraisal 1,000 "model areas for zero domestic violence"; in addition, legal primers were distributed to female migrant workers.

**5. Difficulties and challenges**

Owing to the constraints and limitations of such factors as levels of economic and social development, especially in the process of economic structural adjustment, and establishing and perfecting the socialist market economic system, China's promotion of gender equality and women's development faces a number of new circumstances and new problems: social stratification of women's groups is becoming ever more complex, and the demands of women's life, development and protection of rights and interests have diversified; there are relatively marked imbalances between women's development in different regions, different social strata and different groups; outdated gender-unequal customs and practices that have survived from China's history and traditional culture have still not yet been completely eliminated, and violations of women's rights and interests still exist to different degrees in some regions.

To meet the above challenges, China will continue to carry out thoroughly the basic national policy of gender equality, protecting the rights and interests of women in accordance with the law, implementing the target requirements of the Women's Development Programme, and making efforts to promote equal enjoyment of rights by men and women in respect of politics, economics, culture, society and family life.

## 4. Article 6

### The right to work

1. The States parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

#### 1. The right to work

China is a country with a huge population and labour force. The Government has adopted proactive employment policies as a means to implement its guiding principle of workers having free choice of employment, the market regulating employment and government promoting employment, and makes every effort to create employment opportunities for workers. The situation in recent years with regard to the protection of citizens' right to work is as follows:

##### (1) The Employment Promotion Act

In 2007, China promulgated the Employment Promotion Act, which established in law a policy system, systemic safeguards and enduring mechanisms for the promotion of employment and re-employment, clarifying the employment assistance system and public employment services system, as well as providing specific standards for the realization of fair employment, the elimination of employment discrimination and the safeguarding of equal employment rights for different groups. Its contents include the following: provision of increased funding by the State, with governments at county level and above required to set aside earmarked funding in their fiscal budgets for the promotion of employment; provision of tax incentives for businesses or individuals that meet the prescribed conditions, and provision of support such as small-scale credit for self-employed entrepreneurs; overall coordination of employment of the newly-increased urban labour force, employment of surplus rural labour that has migrated elsewhere, and re-employment of the unemployed; provision of assistance and services to persons in flexible employment; establishment of a sound employment assistance system; development of the function of the unemployment insurance system, and strengthening of prevention, regulation and control of large-scale unemployment; support for economic development in ethnic minority areas; and so on.

In recent years, China has maintained the steady growth of overall employment and the continual improvement of employment structures, with the unemployment registration rate in towns and cities maintaining a relatively low level. At the end of 2009, the number of people in employment nationwide reached 779.95 million (the figure for the end of 2001 was 730.25 million), and the scope of employment further expanded; of these people, the number of urban employees was 311.2 million, accounting for 39.9 per cent of the total number (the figure for the end of 2001 was 239.4 million, or 32.8 per cent), whilst the number of rural employees was 468.75 million, accounting for 60.1 per cent of the total number (the figure for the end of 2001 was 490.85 million, or 67.2 per cent). In 2009, the number of persons employed in state-owned and collective work units accounted for 22.6 per cent of the total of urban employees (the figure for the end of 2001 was 37.3 per cent);

between 2003 and 2007, almost 25 million unemployed workers from state-owned or collective enterprises realized re-employment. At the end of 2009, the proportions of persons employed in primary, secondary and tertiary industry were 38.1 per cent, 27.8 per cent and 34.1 per cent respectively, with the proportion of those employed in primary industry continuing to fall and that for secondary and tertiary industry showing a sustained increase. For the years 2003 to 2009, the respective unemployment registration rates in urban areas were 4.3 per cent, 4.2 per cent, 4.2 per cent, 4.1 per cent, 4.0 per cent, 4.2 per cent, and 4.3 per cent.

## **(2) Responding to the financial crisis, and stabilizing and expanding employment**

In response to the serious impact of the international financial crisis on China's employment, the Chinese Government promptly implemented a wholesale plan to expand domestic demand and maintain the relatively swift development of economic stability, including the implementation of a more proactive employment policy. Of total funding of RMB 4 trillion, 65 per cent was used in safeguarding and improving people's lives. The annual budget for 2009 allocated funds of RMB 42 billion for employment, an increase of 66.7 per cent on 2008. Concrete measures for stabilizing and expanding employment included: use of tax incentives and social security subsidies to encourage businesses to absorb more employees, to develop to the full the role of government investment and large-scale projects in driving employment, and to support the development of labour-intensive industries, in particular SMEs and service industries, to drive employment further; implementation of policies such as tax reductions and exemptions, small secured loans and interest discounts, and provision of entrepreneurial advice and business start-up services, as a means to create a favourable environment for workers to become self-employed and to become individual entrepreneurs; timely collection and issuing of correct and effective information about available positions, and provision of a range of public services including free employment introductions, employment guidance, aptitude tests, policy advice, employment/unemployment registration and others, to address the needs of urban and rural workers seeking employment.

After the financial crisis, China's employment situation improved in successive quarters in 2009, with circumstances better than predicted. The number of newly-arrived urban employees steadily picked up, whilst the downward trend shown in the erosion of business positions was halted, and employment among the three major groups of tertiary education graduates, rural migrant workers and persons having difficulty finding employment was basically stable. In 2009, the number of newly-arrived urban employees nationwide was 11.02 million, the number of laid-off and unemployed workers finding re-employment was 5.14 million, and the number of persons having difficulty finding employment who became employed was 1.64 million. These figures represent 122 per cent, 103 per cent and 164 per cent of the year's targets for each of these categories respectively. By the end of 2009, nationwide there were 9.21 million persons in urban areas actually registered as unemployed, the unemployment registration rate being 4.3 per cent; the employment rate for graduates of tertiary institutions reached 87 per cent.

## **(3) Guaranteeing equal employment for special groups and regions**

China takes note of the recommendation in paragraph 50 of the Committee's concluding observations regarding guaranteeing equal work for special groups and regions. China places great emphasis on protecting citizens' right to equal employment, and in particular on increasing employment support for special groups and ethnic minority regions.

In 2007, the State Council promulgated the Regulations on the Employment of Persons with Disabilities, which explicitly stipulated measures for employment protection

and promotion for persons with disabilities, such as the provision that the proportion of employees with disabilities in a given work unit should not be less than 1.5 per cent of the total number of persons employed. Different regions have rolled out a series of policies to promote employment of persons with disabilities, and have implemented numerous measures to support the employment of persons with disabilities, such as flexible employment, community employment, social security subsidies, job position subsidies, funding support, development of public welfare positions and individual entrepreneurship. Concentrated employment of persons with disabilities has achieved stability, and the scope of the quota system for employment of persons with disabilities has steadily increased, whilst self-employment has achieved relatively swift development. In 2009, the number of urban persons with disabilities in employment reached 4,434,000, whilst the number of rural persons with disabilities in employment reached 17,570,000.

The Chinese Government places great importance on the protection of equal rights in employment among the ethnic minorities, and has taken numerous different measures to promote ethnic minority employment, including continually increasing support for employment and re-employment in ethnic minority regions. From 2003 to 2006, the central financial administration allocated total funds of RMB 3.6 billion for re-employment subsidies in the five autonomous regions, representing 9 per cent of total subsidies given by the central financial administration to the regions; in 2009, the central financial administration allocated RMB 3.3 billion in earmarked funds for employment in the five autonomous regions, representing 8.5 per cent of total subsidies given by the central financial administration to the regions. From 2005 to 2006, the relevant departments jointly organized two groups totalling 75 staff from Tibetan employment services institutions to go to nine cities including Beijing to participate in training, as well as holding multiple training activities in Tibet, so helping this ethnic minority region to build capacity in employment services; employment of graduates from tertiary educational institutions in ethnic minority areas has been promoted through the initiation of activities such as trans-regional hiring between ethnic areas in the western region and cities in the eastern coastal provinces. According to the Fifth National Population Census, the proportion of women from ethnic minorities in employment has risen year on year, with ethnic minority women constituting 47 per cent of ethnic minority employees in eight ethnic provinces and autonomous regions.

The Chinese Government's basic policies with regard to promoting employment and re-employment among laid-off and unemployed workers from state-owned or collective enterprises are chiefly as follows: First, opening up employment routes in the course of economic development and structural adjustment. The Government adheres to the guiding approach of expanding domestic demand, maintaining the necessary speed of growth for the national economy, proactively adjusting economic structure, raising the capacity of economic growth to drive employment, and using every possible means to expand employment. Second, supporting re-employment through the use of policies such as taxation and finance. Third, improving employment services and enhancing re-employment training. Fourth, strengthening management of employment, and regulation and control of unemployment. Fifth, perfecting the social security system, using unemployment insurance funds to pay social insurance subsidies and job position subsidies, in order to stabilize employment positions for enterprises in difficulty. From 2003 to 2008, governments in various localities assisted a total of more than 30 million laid-off and unemployed workers from state-owned and collective enterprises in realizing re-employment through numerous different channels and approaches.

With regard to rural migrant workers, for whom the impact of unemployment risks is relatively great, the Chinese Government has adopted measures to promote overall coordination of employment in urban and rural areas, cancelling restrictions on migrant workers to the cities and trans-regional employment, improving the employment environment for rural migrant workers, and perfecting policies for the protection of the

legitimate rights and interests of such workers. Each year, after the Spring Festival, during the peak period for rural migrant workers to enter the cities in search of jobs, the Ministry of Human Resources and Social Security has organized the nationwide provision of “three-in-one” employment services that comprise employment services, skills training and protection of rights and interests, with relatively good results. In 2009, the rural migrant labour force for the country as a whole was 149 million people, an increase of over 8.5 million on the figure for the end of 2008.

## 2. Vocational training

Since 2005, the Chinese Government has continually been raising the skills level of workers in different sectors, through the implementation of special programmes such as the “Urban Skills Re-employment Programme”, the “Rural Labour Skills Employment Programme”, the “Capacity Building Entrepreneurship Programme” and the “Special Training Programmes” (see Figure 1).

### (1) The Urban Skills Re-employment Programme

The Chinese Government started this programme in 2006. The programme proposed the launching of vocational skills training for 20 million laid-off and unemployed workers in the five years from 2006 to 2010; the pass-rate for the training reached 90 per cent, whilst the post-training re-employment rate reached 60 per cent. In the course of offering the training, various types of educational training institution were made use of, in order to enhance the capacity of those participating in the training to adapt to new job positions, and to raise the level of their vocational skills, in accordance with market demand; in addition, vocational training subsidies were provided as stipulated. The programme required public employment services institutions to provide dedicated services offering vocational guidance and employment information for the laid-off and unemployed, so as to urge them to find employment as soon as possible. From 2006 to 2008, laid-off or unemployed persons participated in re-employment training nearly 25 million person-times.

### (2) Rural Labour Skills Employment Programme

The Chinese Government began to organize implementation of this programme on a national scale from 2006, aiming to undertake non-agricultural vocational skills training for 40 million rural workers in the space of five years. The work of the programme was divided into three categories, in accordance with the specific characteristics of the rural labour force, and consisted in the following: organizing labour preparatory training for persons who had graduated from junior or senior high school but who had not continued their education to the next level, rural demobilized soldiers and other newly-emerged rural labour; organizing the participation in labour export training of surplus rural labour intending to migrate for work; and organizing the participation in skills upgrade training of rural workers working in towns and cities. From 2006 to 2008, more than 26.5 million rural workers in China participated in such training.

### (3) Building entrepreneurial capacity for urban and rural workers

The Chinese Government began to implement this programme from 2005. The programme proposed the launching of entrepreneurial training for 2 million urban and rural workers in the five years from 2006 to 2010, as well as the widespread establishment of a socialized entrepreneurial services system across 300 cities nationwide. From 2005 to 2008, China initiated entrepreneurial training for a total of 3 million people, with the post-training entrepreneurial success rate reaching over 60 per cent, and a multiplier effect of one entrepreneur on average bringing three people into employment.

#### (4) Special vocational training programmes

In response to the impact of the financial crisis, the Chinese Government decided on the following measures for the period from 2009 to 2010: the launching of a concerted drive for skills upgrade training and job-switch and career-change training for staff currently employed in enterprises in difficulty, so as to assist them in finding stable employment; the launching of vocational skills and entrepreneurial training for rural migrant workers who had lost their jobs and returned home, so as to expedite their migration to employment elsewhere or their return home to start up their own businesses; the initiation of mid- and short-term skills training for unemployed persons (including university graduates on the unemployment register and unemployed rural migrant workers who had remained in the cities), to assist them in realizing re-employment; and the provision of preparatory skills training for the newly-emerged labour force, in order to raise their employment capacity. The central financial administration, in its annual budget, allocated earmarked employment funding to subsidize expenses for the above training. In the first three quarters of 2009, training of various types was initiated a total of more than 20 million person-times, of which training of personnel in enterprises in difficulty accounted for over 2.1 million person-times, employment training for rural labour migrating elsewhere for work accounted for 8.9 million person-times, re-employment training for the urban unemployed accounted for 3.4 million person-times, training of the newly-emerged labour-force accounted for 1.9 million person-times, entrepreneurial training accounted for 790,000 person-times, and mid- and short-term skills training for groups such as employed rural migrant workers, demobilized soldiers and university students accounted for 3.2 million person-times.

### 3. China still faces numerous difficulties and challenges in the employment field

China has a large population and the pressures on employment are great, with labour supply continuing to exceed demand. Employment problems are especially apparent among the newly-emerged labour force, such as graduates from tertiary education institutions, and the rural labour force migrating elsewhere for work. For the next few years, towns and cities will need to arrange employment for 24 million people each year, but the annual increase in employment positions is only 12 million, a considerable gap between supply and demand. The serious dearth of highly-skilled personnel is incompatible with the demands of changes in the mode of acceleration of economic growth and the need for optimization and upgrading of business structures. In addition, the problem of re-employment of laid-off and unemployed workers from state-owned and collective enterprises has still not been completely resolved, whilst problems of employment among certain regions, professions and groups in difficulty still exist. The Chinese Government will continue to implement relevant legal regulations and policies, and to actively promote employment, based on the national situation.

## 5. Article 7

### The right to favourable working conditions

The States parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) Remuneration which provides all workers, as a minimum, with:
  - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
  - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) Safe and healthy working conditions;
- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

#### 1. Minimum remuneration

##### (1) Minimum wage system

China has implemented a minimum wage system to guarantee the rights and interests of low-income workers in respect of labour remuneration. In 2007, the then Ministry of Labour and Social Security issued the Circular on the Further Construction of a Sound Minimum Wage System, and in 2008 issued the Circular on Completing Further Work Relating to Unemployment Insurance and the Minimum Wage. These required that each region increase its efforts to adjust the minimum wage standard, such that the amount of adjustment was no lower than that of consumer price index inflation for urban residents in the region in question, thus promoting reasonable increases in the level of low-income workers' wages. Each province and municipality, in accordance with the economic and social circumstances of that area, has correspondingly adjusted its minimum wage standard: for example, from 1 February 2010, Jiangsu Province raised the threshold of the minimum wage standard by over 12 per cent in each of its three different area categories; category one areas such as Nanjing Municipality and Suzhou, for instance, have seen a rise from RMB 850 to RMB 960, an increase of 12.95 per cent. On 17 March 2010, Guangdong Province announced the raising of the minimum wage standard for business employees, and correspondingly raised the minimum wage standard for part-time employees, with the average amount rising by 21.1 per cent, the highest for years.

China has taken initial steps towards the establishment of a system in which wages in enterprises are determined through collective wage bargaining between employers and workers, based on labour market supply and demand and linked to business operating results. Starting in 2006, in neighbourhoods (townships), communities and industrial parks where non-publicly-owned small enterprises or enterprises in the same line of business are relatively concentrated, there has been a concerted development of collective wage bargaining that is based on the particular area or business sector in question. By the end of 2008, the number of special wage agreements signed nationwide was 417,000, involving 775,000 businesses and covering 51.1 million employees.

**(2) Increasing wage levels among China's employees**

During the period of 2005 to 2009, based on the sustained and rapid growth of the national economy, wage levels among China's employees steadily increased, with vast numbers of employees gaining real benefits. The average wage of personnel employed in urban work units in China increased from RMB 18,364 in 2005 to RMB 29,229 in 2008, an annual average increase of 16.8 per cent; after discounting price factors, the actual annual average increase was 12.4 per cent. Within this, the average wage for employees in enterprises increased from RMB 17,853 at the end of 2005 to RMB 28,359 in 2008, an annual average increase of 16.7 per cent, and an actual annual average increase of 12.4 per cent after discounting price factors.

**(3) Wage protection measures**

On 29 June 2007, the Standing Committee of the National People's Congress adopted the Labour Contract Act, which provides that employer units shall pay sufficient remuneration for labour in a timely manner to workers, in accordance with the stipulations in the labour contract and with national provisions. Where employers are in arrears with payment of remuneration or have not paid sufficient remuneration, a worker may by law apply to the people's court of the region in question for a payment order, and the people's court shall by law issue such a payment order; where remuneration paid by employers is less than the minimum wage standard for the region in question, labour administration departments shall order them to pay the shortfall.

On 21 August 2006, the Supreme People's Court rolled out Opinions on the Provision of Judicial Protection by People's Courts for the Purpose of Building a New Socialist Countryside. This made explicit provision that courts shall, in a timely fashion, make and enforce rulings in five types of civil case, including disputes over wage arrears for rural migrant workers and labour remuneration.

In August 2006, the Enterprise Bankruptcy Act, which strengthens the protection of the legitimate rights and interests of employees at bankrupt enterprises, was rolled out. It provides that "employees' wages, social insurance premiums and compensations owed by the bankruptee are paid off as a priority", and that in this regard, the bankrupt enterprise shall submit to the court a plan for employee arrangements, wage payment situation, and so on.

**2. Equal pay for equal work**

In China, the right of workers to receive equal pay for equal work is protected by law. Articles 11, 18 and 63 of the Labour Contract Act respectively provide that: Where it is unclear what labour remuneration was agreed on by the employer and employee, or where there is a dispute over the remuneration agreed upon, remuneration shall be made in accordance with the standards stipulated in the collective contract; where there is no collective contract or the collective contract is silent on the matter, the principle of equal pay for equal work shall apply. Placed workers shall enjoy the right to receive the same pay as that received by the employees of the employer unit for the same work. If the employer unit does not have any employee for the same position, the labour remuneration shall be determined based on the labour remuneration paid to employees in the same or a similar position at the place where the employer unit is located.

### 3. Enjoyment of equal work opportunities

#### (1) Legal protection of workers' right to work

The Labour Act of the People's Republic of China provides that: "Workers shall not be discriminated against in employment due to their ethnicity, race, gender, or religious belief". The Employment Promotion Act of the People's Republic of China, which came into effect on 1 January 2008, provides that: "Workers shall have the right to equal employment and to choose a job on their own initiative, in accordance with the law. Workers seeking employment shall not be subject to discrimination based on factors such as ethnicity, race, gender, or religious belief". It makes specific provisions in regard to the protection of fair employment rights for such groups as women, ethnic minorities, persons with disabilities and rural migrant workers in the cities, through such clauses as the following: "The state shall ensure that women enjoy labour rights equal to those of men. When an employer recruits employees, it shall not refuse to recruit women or increase the thresholds for recruitment of women under the excuse of gender"; and "Workers of all ethnic groups enjoy equal labour rights. When an employer recruits employees, it shall give appropriate consideration to workers of ethnic minorities".

Human resources and social security departments at different levels, in accordance with the provisions of such laws and legal regulations as the Labour Act, the Employment Promotion Act, and the Regulations on Labour Security Supervision (effective from December 2004), have initiated a range of different supervision and law enforcement activities to urge employers to respect the national legal provisions, and to safeguard such rights and interests as the equality of all workers, labour remuneration, and rest and leisure.

#### (2) Ensuring that employees in particular professions have equal promotion opportunities

In the last five years, the Chinese Government has adopted numerous measures to ensure that employees in particular professions have equal opportunities, starting by perfecting the system of laws and policies for the labour contract system, pushing forward the thorough implementation of the labour contract law, and enhancing guidance on labour and employment practices in enterprises. Whilst pressing employers to implement the labour laws and legal regulations thoroughly, it has guided employers to formulate systems of reasonable workplace rules, in accordance with the law; it has also advocated that enterprises make equality of promotion opportunities an important part of such rule systems, and that consideration for promotion should chiefly be made according to credentials and ability, and should not be influenced by factors such as gender, ethnicity, race or religious belief, thereby constructing a fair and just promotion environment.

### 4. The right to rest

Article 36 of China's Labour Act provides that "The State shall practise a working hour system wherein workers shall work for no more than eight hours a day and no more than 44 hours a week on the average". In the past five years, China has gained major new advances in regard to legislative protection of citizens' right to rest. The Decision of the State Council on Amending the Regulation on Public Holidays for National Annual Festivals and Memorial Days, which was promulgated on 14 December 2007 and came into effect on 1 January 2008, adjusted the number of public holidays for all citizens from 10 to 11 days, comprising the two long holiday periods of Spring Festival and National Day holiday, and the five shorter holiday periods of New Year, Qing Ming, Labour Day, Duanwu, and Mid-Autumn Festival, thus creating favourable conditions for all workers to engage in holiday travel. The Regulations on Paid Annual Leave for Employees,

promulgated on 14 December 2007 and brought into effect from 1 January 2008, make explicit provision that: employees who have worked for a cumulative total of one year but less than 10 years are entitled to five days' annual leave; those who have worked for 10 years but less than 20 years are entitled to 10 days' annual leave; and those who have already worked 20 years are entitled to 15 days' annual leave. Employer units shall guarantee that employees receive annual leave, and that employees taking annual leave enjoy the same wage income as in regular work periods. Where, owing to work needs, an employer is really unable to arrange for an employee to take annual leave, the employer may decide, having gained the agreement of the employee, not to arrange annual leave, but shall pay annual leave wage remuneration at 300 per cent of the employee's daily salary, for each day that the employee should have taken annual leave but did not. Human resources departments and labour security departments in local people's governments at county level and above shall, in accordance with the authority of their office, carry out proactive supervision and inspection of the extent to which an employer unit has implemented these regulations. Where an employer has not arranged leave for an employee and has further failed to give annual leave wage remuneration in accordance with the provisions of these regulations, human resources departments and social security departments of local people's governments at county level and above, in accordance with the authority of their office, shall order that the situation be rectified within a set period of time; if the time period has been exceeded and no rectification has been made, then in addition to ordering that the employer in question pay annual leave wage remuneration, the employer shall further provide to the employee additional compensation in accordance with the amount of annual leave wage remuneration; where the employer refuses to pay annual leave wage remuneration and compensation, if the work unit in question is one in which there are civil servants or personnel managed with reference to the civil servant law, then the competent person directly responsible and other persons with direct responsibility shall be punished in accordance with the law; in the case of other types of work unit, labour security departments, human resources departments or the employee themselves shall apply to the people's court for a mandatory enforcement of the law.

In accordance with the authorising provision in article 9 of the Regulations on Paid Annual Leave for Employees, on 15 February 2008, the Implementation Measures for Paid Annual Leave for Employees of State Organs and Public Institutions were promulgated, whilst on 18 September 2008, the Implementation Measures for Paid Annual Leave for Employees of Enterprises were promulgated. The promulgation and implementation of the above legal regulations and workplace rules protects, at a legal level, the labour rights, leave rights and remuneration rights of all workers, so that they may enjoy the fruits of economic development in a timely manner. In addition, in recent years, with the enhancement of labour security supervision and inspection work, systemic safeguards have been provided to ensure the earnest and effective protection of workers' legitimate rights and interests in regard to such aspects as working hours, rest and leisure.

## 5. Responses to related recommendations in the concluding observations

### (1) Enjoyment of equal treatment by rural migrant workers, and the household registration system (paragraph 46)

In January 2006, the State Council issued Certain Opinions on Solving the Problem of Rural Migrant Workers. This put forward a systematic programme of work to improve the treatment of rural migrant workers, and proposed 32 work targets covering eight areas including "solving the problems of low wages and wage arrears among rural migrant workers" and "improving employment services and training for rural migrant workers". The programme aimed to enable rural migrant workers to enjoy equal public services to those enjoyed by urban employees in respect of employment, training, wages, medical care

and children's schooling. Following the issuing of this document, the various departments in each region made the issue of rural migrant workers a key priority for economic and social development, and formulated clear work targets, concrete tasks and corresponding sets of documents. From the Central Government down to the local levels, a new mechanism has been established for handling work relating to rural migrant workers. Marked progress has been made in solving the problems of low wages and wage arrears among rural migrant workers, regulating labour management of rural migrant workers and safeguarding their labour security, improving employment services and training for rural migrant workers, encouraging rural migrant workers to participate in social insurance, and enhancing provision of schooling for the children of such workers; all this has provided vigorous protection of the legitimate rights and interests of the many rural migrant workers. The Employment Promotion Act of the People's Republic of China, which took effect on 1 January 2008, provides that "rural workers entering the cities for employment enjoy equal work rights to urban workers, and no discriminatory obstacles shall be interposed in regard to rural workers entering the cities for employment".

At present, China is engaged in actively pushing forward reform of the household registration system. Led by the State Council, 14 ministries and commissions including the Ministry of Public Security, the National Development and Reform Commission and the Legislative Affairs Office of the State Council, are currently actively consulting on matters regarding household registration reform. Nationwide, 13 provinces, autonomous regions and municipalities directly under the Central Government, including Hebei and Liaoning, have successively rolled out reform measures for unifying the urban and rural household registration systems. The Central Economic Work Conference held at the beginning of 2010 proposed in particular the positive and reliable promotion of urbanization, and a relaxation of household registration restrictions for small and medium-sized cities and towns, the aim of which was to provide a staged solution to the problem of the household registration of rural migrant workers who have been employed long-term in the cities, which would be beneficial to promoting equal treatment for rural migrant workers. On 27 February 2010, the Premier of the State Council, Wen Jiabao, took part in a special interview jointly held by two major websites. During the course of his online exchanges with Internet users, he spoke of how rural migrant workers have become the key group of workers driving China's modern industry, and stated that the new generation of rural migrant workers faces certain special problems different to those of the older generation. He stated further that China must give serious attention to the problems of this new generation, and push forward reform of the household registration system, so as to allow those rural migrant workers who have lived and worked in the city long-term and who fulfil the right conditions, to integrate into the city and enjoy the same welfare treatment and living conditions as other city dwellers.

**(2) Equal opportunities for men and women, and equal pay for equal work (paragraph 48)**

This has already been explained in section 3 of the present chapter, in the discussion relating to the protection by law of different workers' right to work.

**(3) The issue of ratifying ILO Convention No. 29 (paragraph 51)**

The Chinese Government has consistently placed importance on the conventions of the ILO, and has actively, reliably, earnestly, and responsibly studied, ratified and implemented such conventions. Specifically, of the eight core conventions of the ILO, China has ratified four: the Equal Remuneration Convention, the Minimum Age Convention, the Worst Forms of Child Labour Convention, and the Discrimination (Employment and Occupation) Convention. The Chinese Government has taken note of the recommendations of the Committee on Economic, Social and Cultural Rights. In fact, we

have already organized numerous cooperative technical and research activities with the ILO in regard to the relevant conventions. Henceforth, we will further strengthen our research. With China's continual economic and social development, China will progressively ratify more labour conventions, so as to better promote protection of labour rights.

In China, re-education through labour is an administrative measure used for the education and correction of persons whose crimes are minor and are insufficient to warrant criminal punishment or who have committed multiple violations of public security administration laws, and is an early means of preventing crime. The system has a clear legal basis, rigorous legal procedures and ample channels for judicial relief. People's governments in all provinces, autonomous regions, municipalities directly under the Central Government and major cities have set up re-education-through-labour management committees, which are supervised by the People's Procuratorates in regard to the re-education-through-labour work they carry out. Re-education-through-labour management committees, in accordance with the laws and legal provisions on re-education through labour, make decisions on the re-education through labour of actors who meet the legally stipulated conditions, in accordance with the facts, nature, circumstances and harmfulness of their violations of the law and their criminal behaviour. Persons who must undergo re-education through labour, as well as their family members, have the right to know the grounds for such a decision and the period of time to be served. Those who do not submit to the decision may, in accordance with the provisions of the Experimental Measures on Labour through Re-education, apply to the re-education-through-labour management committee for a re-examination of their case; they may also, in accordance with the provisions of the Administrative Reconsideration Act, apply for an administrative reconsideration; they may alternatively file an administrative complaint with a people's court, in accordance with the Administrative Penalty Act and the Administrative Procedure Act; people's courts judge each complaint justly and independently, in accordance with the law.

Guided by the aims of education and post-release employment of persons undergoing re-education through labour, re-education-through-labour centres have initiated vocational skills training in accordance with the Decision on the Question of Re-education through Labour, helping detainees undergoing re-education through labour to learn work-related skills and raise their capacity for employment, and providing them with a suitable remuneration for their work. Re-education centres have training programmes in such fields as computing, tailoring, sewing, maintenance of electrical appliances, carpentry, cookery, hairdressing, and driving and auto maintenance, and those detainees who make the grade having taken examinations are issued with a technical-grade certificate that is recognized by society. The above measures are helpful in assisting detainees in re-education centres to integrate back into society again.

In recent years, with the continued development of a democratic legal system, the relevant departments have been studying and summarizing their practical experience, so as to reform and perfect the re-education-through-labour system. The Standing Committee of the National People's Congress has already listed re-education-through-labour legislation (laws for the correction of illegal acts) in its legislative programme, and the relevant departments have been studying these closely. The legislative process itself has pushed forward reform of the re-education-through-labour system. The competent bodies in China have already put forward a number of important reform measures, including representation by lawyers in re-education-through-labour cases, comprehensive implementation of a hearings system, shortening the period of time served in re-education through labour, expanding the scope of extra-institutional enforcement, and strengthening inspection and supervision work, with the aim of ensuring that in the legal process, the examination and approval of re-education through labour is more rigorous and its enforcement more humane.

## 6. Safety at work

Safety at work is a fundamental interest of the greatest and most direct concern to the people. The Chinese Government has always attached a high degree of importance to this and has continuously adopted a series of important policies and measures to enhance occupational safety and labour protection. In its initial report, China stated that in the field of safety at work, China has already basically put in place laws to be followed. In addition to the guarantees of the Constitution, in 2002, the Standing Committee of the National People's Congress especially promulgated the Work Safety Act. Furthermore, clear and specific provisions on work safety are provided in such laws and legal regulations as the Mine Safety Act, the Labour Act, the Trade Union Act, the Mineral Resources Act, the Coal Act, the Electricity Act and the Construction Act. In respect of institutions, the Central Government and local governments have set up work safety supervision and management bodies and have continuously enhanced a work safety supervision, management and control system that integrates vertical and stratified management by undertaking targeted rectification actions. The State Council promulgated Regulations on Pursuing Administrative Accountability for Especially Grave Safety Accidents, which enhanced the work safety accountability system at various levels of the Government, and established a legal system for pursuing charges against accountable authorities. Great efforts have been made in regard to publicity and education relating to work safety and in training. There have also been enhanced international exchanges and cooperation in the field of work safety. The initial report has already elaborated in detail the relevant specific legal provisions and administrative measures, which will not be repeated unnecessarily here. The situation in recent years is described below.

### (1) Objectives and achievements in safety at work

The Eleventh Five-year Plan, adopted by the National People's Congress in 2006, clearly proposed that: "The safety of people's lives and property should be guaranteed. We will persist in putting safety first, focusing on prevention and on comprehensive control and rectification. A work safety accountability system will be implemented, and business work safety responsibilities will be enhanced. Work safety supervision and management systems will be improved, and safety law enforcement will be strict, whilst the construction of work safety facilities will be stepped up. Work safety in high risk industries such as coal mining must be dealt with earnestly and major and especially serious accidents must be effectively curbed".

At present, there have been remarkable achievements made in work safety efforts nationwide. For seven consecutive years, the total number of accidents and total number of fatalities in accidents nationwide have been on the decline. In 2009, nationwide work safety was stable in general, whilst gradually improving. The number of fatalities in accidents dropped further, from less than 100,000 in 2008 to less than 90,000 in 2009. The number of accidents and the number of fatalities have dropped by 8.4 per cent and 8.8 per cent respectively compared with the previous year. Of these, the numbers of serious accidents and related deaths have dropped by 50 per cent and 56.1 per cent respectively compared with the previous year. The number of deaths caused by work safety accidents per RMB 100 million of GDP has dropped by 20.5 per cent. There has been continued improvement in work safety in industrial, mining, commercial and trading businesses, with deaths in accidents per 100,000 employees declining by 14.9 per cent.

### (2) Policies and measures on safety at work

The above achievements have been made because China has continuously adopted a series of major policies and measures to enhance work safety efforts. These include the following aspects:

Enhancing legislation and enforcement, to ensure the safety of the lives of people at work. In 2007, the Standing Committee of the National People's Congress considered and adopted the Emergency Response Act. The State Council issued the Rules on Reporting, Investigating and Dealing with Work Safety Accidents. In order to enhance work safety management, relevant departments formulated detailed departmental regulations on the basis of the provisions of the Work Safety Act and other such laws and legal regulations. These include Measures on the Management of Work Safety Training (effective as of 1 February 2005), Regulations on Safety Training in Production and Business Units (effective as of 1 March 2006), Regulations on the Supervision and Management of Labour Protection Gear (effective as of 1 September 2009), and Measures on the Implementation of Work Safety Licenses for Mining Enterprises other than Coal Mines (effective as of 30 April 2009). These regulations and measures have played a very important role in ensuring the safety of people at work and promoting safe production activities. For example, the Regulations on the Supervision and Management of Labour Protection Gear clearly stipulate that the supervision and management of labour protection gear must be enhanced and regularized, in order to protect the safety and health of people at work. Production and business units shall allocate earmarked funds for labour protection gear. Such units are forbidden to replace such gear as stipulated in the Regulations with cash handouts or other goods.

In order to increase the force of supervision, China conducts a special Work Safety Act supervisory investigation every year. In 2005, the Standing Committee of the National People's Congress organized a special investigation of the "implementation of the Work Safety Act", found some problems, and proposed rectification and adjustment measures. Work safety supervision, management and control departments in various localities gave a high degree of importance to these measures, formulating a series of rectification and adjustments programmes to ensure the proper implementation of the proposed measures.

In 2009, the State Council decided to conduct an activity titled "work safety year". All regions, departments and work units comprehensively enhanced work safety efforts, fully perfecting the implementation of measures by taking "three actions", including work safety law enforcement, publicity and education, and rectification and control, and "three developments", including development of work safety institutions, mechanisms and legal systems, development of safety-ensuring capacity and safety supervision, and development of management and control teams. Among these activities, the nationwide work safety law enforcement drive found and dealt with more than 8.49 million cases of illegal practice and violations of the law. More than 22,600 illegal production, business, construction and transportation units were closed down and outlawed, in accordance with the law. In addition, a four-year safety training plan for people in charge of work safety at the city, county and township levels nationwide was initiated, and two workshops were held for officials in charge of work safety at the municipal and prefectural levels.

In the past five years, China has continuously strengthened the force of work safety publicity and education, vigorously promoted the concept of safety at work, and continually enhanced awareness of the safety of people at work and improved work safety skills. In 2009, safety supervision, management and control departments, in coordination with propaganda departments, public security departments, trade unions, the media and the Communist Youth League, organized the "work safety month" and "10,000-mile walk for work safety" activities, with the theme of "love life, safe development". The capital and other places held a whole variety of different publicity and education activities with clear themes. These included safe development and safety law forums, speech contests titled "safety goes with me", stage performances on safety by employees, safety knowledge contests, and "the culture of safety goes to the grass roots".

The State Administration of Work Safety formulated the Eleventh Five-Year Plan Safety Culture Development Guidelines, to further promote the development of safety culture with enterprises as the focus. At present, more than 19,000 enterprises nationwide have begun to further develop their workplace safety culture. More than 32,500 enterprises in 28 provinces (autonomous regions and municipalities directly under the Central Government) have initiated pilot work in the creation of credible enterprises in work safety by enhancing safety training of rural migrant workers and “three types of employee”, including heads of enterprises, safety managers and workers in special vocations, whilst the “10,000 foremen and team leaders safety training project” was carried out in coal mines.

The construction of safe communities has been continually pushed forward. Detailed rules on the appraisal of safe communities have been formulated and published. A safe community working committee was set up and three meetings were held to honour safe communities with such a designation. At present, more than 18,000 communities nationwide have initiated efforts to develop into safe communities. A total of 124 communities have won the designation of safe community and 23 of them have been designated international safe communities.

### **(3) Work safety of coal mines**

The Chinese Government attaches great importance to coal mine work safety and has taken active measures to promote coal mine work safety. The Eleventh Five-Year Plan for Coal Mine Industry Development clearly proposed the target of maintaining less than 10,000 small coal mines nationwide by 2010. The Government has taken measures to resolutely phase out outdated coal production capacity and severely crack down on illegal mining. Nationwide, more than 12,000 small mines that do not have safe production conditions and cause damage to resources and the environment have been closed down.

On 30 December 1999, the General Office of the State Council distributed the Implementation Plan on Coal Mine Safety Supervision and Management System Reform. On 10 January 2000, the State Administration of Coal Mine Safety was officially set up, providing an important institutional guarantee for the promotion of the sustained and steady improvement of the coal mine work safety situation. In the 10 years since the initiation of the state coal mine safety inspection institution, many regulations have been successively implemented. These include Measures for the Implementation of Coal Mine Work Safety Licensing, Measures for the Reporting, Investigation and Handling of Coal Mine Work Safety Accidents, Regulations on Water Prevention and Control in Coal Mines, Regulations on the Prevention and Control of Coal and Gas Outbursts, and Standards on Individual Protection Gear for Hygiene and Safety in the Coal Mining Occupation. The Standard Coal Mine Safety Procedures have been revised five times, so as to be more effective in protecting the personal safety and occupational health of mine workers.

In the past 10 years, the overall work safety situation in coal mines has been changing for the better. Whilst total national coal output increased nearly two-fold, by 2009 deaths caused by coal mine accidents had decreased from the peak period of 2002 by 62.4 per cent. The number of major and very serious accidents, i.e. those causing 10 or more deaths in one accident, dropped from 75 in 2000 to 20 in 2009, a decrease of 73.3 per cent. The number of deaths per million tonnes of coal production decreased by 84.4 per cent compared with 2000, and by 24.5 per cent compared with the previous year, hitting a historical record of less than one, at the level of 0.892.

### **(4) Difficulties and challenges**

In summary, the Government has in recent years increased safety inputs into high-risk occupations, promulgated a series of policies and measures, improved the basic safety level of enterprises and reduced the occurrence of industrial accidents and injuries.

Despite these remarkable achievements, China continues to face tremendous pressures in regard to work safety, due to the fact that it is currently in a period of accelerated industrialization, with overall low levels of productivity, a relatively rough model of economic growth and a weak foundation of work safety. We will continue to transform the economic growth model, raise the level of work safety and ameliorate work safety conditions for workers.

## 6. Article 8

### Trade union rights

1. The States parties to the present Covenant undertake to ensure:

(a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

(c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorize States parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

In its initial implementation report, China stated that China's Constitution, the Labour Act, the Trade Union Act and other relevant laws clearly grant workers the freedom to form associations and the right to voluntarily organize and join trade unions. Trade unions in China have the fundamental mission of safeguarding the legitimate rights and interests of employees. They establish and build up organizations at various levels and work very actively. For the purposes of guaranteeing national security and the maintenance of public order, and because China practices a compulsory military service system, people in the military and armed police services, who are not workers whose main source of income is their wages, do not join or organize trade unions. Relevant laws and regulations and the information regarding the work of trade unions will not be repeated unnecessarily here.

#### 1. The right of employees in China to join and organize trade unions

(1) At the legislative level, China fully guarantees workers' right to join and organize trade unions. Chinese workers and other labourers, as masters of the country, fully enjoy the freedom of citizens to form associations as stipulated by the Constitution. The Labour Act provides that "Workers shall have the right to participate in and organize trade unions, in accordance with the law. Trade unions represent and safeguard the legitimate rights and interests of workers, and independently and autonomously conduct their activities in accordance with the law". The Trade Union Act provides that "All manual and

mental workers in enterprises, institutions and government departments within the territory of China who rely on wages or salaries as their main source of livelihood, irrespective of their ethnicity, race, sex, occupation, religious belief or educational background, have the right to organize or join trade unions, in accordance with the law. No organization or individual shall obstruct or restrict them". The Trade Union Act also stipulates the legal responsibilities in cases of obstruction of employees from joining and organizing trade unions.

(2) In respect of the forms of organization, China's Trade Union Act stipulates that a unified All-China Federation of Trade Unions is established for the country as a whole. This is a historical choice resulting from the long process of development of the workers' movement in China. It reflects the will and demands of China's employees and contributes to better representation and safeguarding of the interests of employees by the trade unions in China. China is not entirely the same as other countries in respect of the organizational structure of trade unions and the procedure of establishing a trade union. Historically, the trade union movement in China continually developed and grew stronger in the fight against imperialism, feudalism and bureaucratic capitalism. The unified All-China Federation of Trade Unions was formed in this process. In regard to trade union organizational structure, the organization and leadership principle of integrating industries and localities has been instituted. That is to say that members of the same enterprise, institution or government body are organized into one trade union organization at the grass-roots level. One industry or several industries of a similar nature establish national or regional industry-based trade unions as necessary. Regional general trade unions are set up at the provincial (autonomous region, municipality directly under the Central Government), city and county levels. At the national level, the All-China Federation of Trade Unions is set up. Trade unions in China have pushed vigorously for the establishment of grass-roots organizations. In the last five years, membership of trade unions nationwide has grown on average by a net figure of more than 15 million persons annually. By September 2009, the total number of members had increased to 226 million (compared with 131 million in 2002), the number of grass-roots trade unions nationwide had reached 1,854,000 (compared with 1,658,000 in 2002), covering 3,959,000 enterprises and institutions, and there were 80,148,000 members who were rural migrant workers. The All-China Federation of Trade Unions has become the largest trade union in the world.

In recent years, trade unions in China have oriented themselves towards the development and perfecting of the democratic system at the grass-roots level. The forms of democratic participation by employees have been diversified; the channels of democratic participation by employees have been smoothed; and a democratic management system of enterprises and institutions, with the employee representative assembly as its basic form, has been vigorously promoted. Efforts have also been made to improve the efficiency of enterprises and institutions in the setting up of the employee representative assembly system. In localities where there is a concentration of small and medium-sized enterprises, regional and sector-based employee representative assemblies have been widely established. Openness in management of factory or school affairs has been promoted and the practice of having employees as directors on the board or supervisors has become institutionalized. Employees have been organized to conduct democratic elections, democratic decision-making, democratic management and democratic supervision in accordance with the law, in order to realize their rights to be informed, to participate, to express themselves and to supervise.

2. In recent years, the All-China Federation of Trade Unions and all levels of trade union organizations have, on behalf of their employees, participated in a democratic manner, exercised social supervision, reflected the opinions and demands of employees, and coordinated with and consulted with the Government to find solutions to the difficulties and problems faced by employees. They have played an active and important role in safeguarding the legitimate rights and interests of employees. Their role can be seen in the following.

(1) Promoting employment through diversified approaches. In recent years, unions have participated actively in the formulation of laws, legal regulations and policies relating to employment, including the Labour Contract Act, Employment Promotion Act, Vocational Skill Training Rules, and Regulations on the Employment of Persons with Disabilities, and have collaborated with the relevant departments in monitoring and checking on their enforcement. By the end of 2009, trade unions at country and higher levels nationwide had established 3,249 assistance and relief centres for employees in difficulty, and from 2003 to 2009 raised a total of RMB 8.48 billion, providing assistance and relief to 34,461,000 employees in difficulty. In 2009, trade unions at all levels throughout the country provided employment services to 3,622,100 million rural migrant workers, and assisted 2,072,300 million rural migrant workers in finding employment. From April to September 2009, trade unions at all levels assisted 152,000 university graduates from families of employees in difficulty in finding employment, raising the overall employment rate of such graduates to 96.4 per cent. For five consecutive years from 2005 to 2009, the All-China Federation of Trade Unions, the Ministry of Human Resources and Social Security and the All-China Federation of Industry and Commerce organized recruitment week activities for private companies in more than 100 large and medium-sized cities. A total of 4.04 million job seekers, of which 1,446,000 were rural migrant workers, reached agreement with enterprises on their intended employment.

(2) Promoting the establishment and perfection of the minimum wage guarantee system. Work done in recent years includes participation in the formulation of relevant legal regulations and policies, vigorous promotion and implementation of collective wage bargaining, promotion of the establishment of the co-decision-making mechanism on wages in enterprises and the monitoring of the implementation of regulations on the minimum wage by enterprises, in accordance with the law. Trade unions in all areas actively participated in the formulation and adjustment of minimum wage standards in their respective localities. It is planned that by the end of 2015, the minimum wage will gradually reach or approach the level of 40 to 60 per cent of the average local wage.

(3) Assisting in solving arrears in wage payments. Trade unions reported problems of arrears in wage payments in some localities and enterprises to governments, people's congresses and political consultative conferences at various levels, and proposed recommended solutions. They worked with relevant departments in conducting checks on the payment of wages to employees, including rural migrant workers. They accepted complaints by employees and rural migrant workers through dedicated offices and hotlines, and provided assistance in claiming wage arrears by giving timely and necessary legal aid and consultation services. The All-China Federation of Trade Unions actively participated in the restructuring of state-owned enterprises and promoted the setting up in May 2005 of an inter-ministerial meeting system on solving arrears in wage payments by enterprises, comprising 11 Central Government departments. With the concerted efforts of all parties, by the end of 2007, state-owned enterprises had basically completed the clearing of their accumulated arrears. Trade unions at all levels actively promoted the "monthly clearing and

settlement of wage payments" for rural migrant workers. In the last five years, a total of nearly RMB 10 billion in wage arrears have been cleared up.

(4) Promoting the creation of trade unions in foreign-invested companies. In 2006, trade unions at all levels in China successfully promoted the creation of trade unions in the US company Walmart's enterprises in China. Walmart has for a long time resisted the creation of trade unions. In 2008, the All-China Federation of Trade Unions launched an action to promote the creation of trade unions in enterprises of the world's top 500 multinational corporations in China, raising the union establishment rate in these enterprises from 43 per cent to 85 per cent, with a membership growing from 1,870,000 to 2,125,000. By the end of September 2009, 120,000 foreign-invested (including Hong Kong, Macao and Taiwan) enterprises had set up trade unions, with the union establishment rate reaching 78.7 per cent. A total of 1,555,000 private businesses had also set up trade unions, with a union establishment rate of 76.7 per cent.

(5) Actively expanding international exchange and cooperation. In recent years, trade unions in China have actively engaged in international exchange, enhanced their communications and cooperation with trade unions of other countries, and further developed mutual understanding and friendship between Chinese employees and the workers of other countries in the world. In 2008, the Chinese workers' representative was again elected to be a Deputy Member of the International Labour Office and actively participated in the work of the International Labour Organization, engaging in various kinds of cooperation. At present, the All-China Federation of Trade Unions has established friendly relations with more than 400 national trade unions and international and regional trade union organizations from more than 150 countries and regions.

### 3. The right of Chinese employees to collective negotiations

Chinese employees' right to collective negotiations is guaranteed by the Labour Act, the Trade Union Act, the Labour Contract Act, the Companies Act and the Regulations on Collective Contracts. Trade unions in China have participated in an in-depth way in the formulation of the above laws and legal regulations and many of their reasonable opinions have been incorporated. Trade unions in China, in accordance with the law, promote the equitable consultation and collective contract system to better safeguard the labour and economic rights and interests of employees. Trade unions have been active in guiding and assisting employees in signing labour contracts with enterprises and supervising the execution of these contracts. By September 2009, a total of 1,247,000 collective contracts, covering 2,112,000 enterprises (the 2002 figure was 635,000) and 162 million employees (80 million in 2002) had been signed nationwide; the number of enterprises covered by regional and sector-based collective contracts was 1,269,800 (in 2002, it was just 328,800), covering 60,843,000 employees. A total of 512,000 collective contracts specifically relating to wages had been signed, covering 61,776,000 employees. By the end of 2009, a total of 605,000 collective contracts specifically for the protection of the rights and interests of women employees had been signed, covering 1,007,000 work units and 46,128,000 women employees. By September 2008, Walmart enterprises in China had all signed collective contracts. Since 2009, trade unions at all levels in China have also been actively pushing the world's top 500 multinational corporations to sign collective contracts in their enterprises in China.

### 4. The right of Chinese employees to strike

On the issue of strikes, China has stated in its initial implementation report that current Chinese laws have not concerned themselves with such issues, except that Chinese

laws clearly stipulate that the police and staff of State bodies are prohibited to strike, in order to ensure national security and social stability. According to the relevant provisions of the Trade Union Act, in individual cases of work stoppages and go-slows, trade unions should always actively convey the reasonable demands of employees to relevant parties and assist in solving problems in an appropriate manner.

We reiterate here that China's Constitution does not have provisions prohibiting strikes. Nor do other laws restrict the freedom to strike. Trade unions in China advocate that employees can effectively safeguard their legitimate rights and interests through multiple channels including trade unions at all levels, the employee representative congress system, the tri-party labour coordination meeting system, labour dispute mediation and the arbitration system.

## **5. The declaration made by China when ratifying the Covenant (referred to in paragraph 55 of the Committee's concluding observations)**

*(Note: In February 2001, the Twentieth session of the Standing Committee of the National People's Congress of China ratified the Covenant and stated at the same time that the Chinese Government shall deal with article 8, paragraph 1 (a), of the Covenant according to China's Constitution, the Trade Union Act and the Labour Act.)*

When ratifying international conventions, it is in conformity with international practice that countries make statements or have reservations concerning articles of the conventions based on the realities of the countries. The Constitution, the Trade Union Act and the Labour Act of the People's Republic of China effectively ensure the right of Chinese workers to fully participate in the political, economic, social and cultural life of the country, including their right to join and form trade unions. Since the founding of the People's Republic of China, workers in China have joined and formed trade unions according to these laws. The declaration made by the Standing Committee of the National People's Congress when it ratified the Covenant demonstrates that China will continue to follow the provisions of its domestic laws to ensure the rights of workers to join and form trade unions.

## 7. Article 9

### The right to social security

**The States parties to the present Covenant recognize the right of everyone to social security, including social insurance.**

In its initial report, China explained that it had already built a preliminary social security system with social insurance, social relief, social welfare and social mutual assistance as its main components, with multiple channels for the raising of insurance funds, and management and services which are progressively socialized. China has also introduced specific content for various systems including pension insurance, medical insurance, workers' compensation insurance, unemployment insurance, maternity insurance, the minimum subsistence guarantee, disaster relief, public charitable donations, and social security for persons with disabilities.

In recent years, the Chinese Government has continually worked to perfect the various contents of the social security system, in accordance with "the target of basically establishing by 2020 a social security system that covers both urban and rural residents and in which everyone enjoys basic subsistence guarantees". The following paragraphs report on the situation for each of the relevant categories.

#### 1. Social insurance is a core component of the social security system

##### (1) Pension insurance system for employees in enterprises

The scope of basic pension insurance coverage has been steadily expanding, from employees in urban enterprises to various other employee categories, such as urban self-employed business people, people in flexible employment and rural migrant workers. From 2005 to the end of 2009, the number of people participating in such insurance nationwide increased from 170 million to 235 million; among these, the number of employees participating in such insurance increased from 130 million to 177 million.

The basic pension level of retirees from urban enterprises who have participated in such insurance has steadily risen, and the achievement of paying out the basic level of pension on time and in full has been continually sustained. The State Council has adjusted the basic pension standard for retirees from enterprises in successive years, increasing it from a monthly per capita rate of RMB 700 in 2004 to RMB 1,300 by the beginning of 2010. From 2005 to the end of 2009, the number of retirees participating in this insurance increased from more than 43 million to 57.95 million, and in order to ensure the issuing of the pension, expenditure of the pension insurance fund increased from over RMB 400 billion to over RMB 810 billion.

In order to safeguard the pension insurance rights and interests of persons participating in the insurance, and in particular the large number of rural migrant workers, the State Council in 2009 promulgated the Interim Measures for the Transfer and Continuation of the Basic Pension Insurance Relations of Urban Employees, which was of major significance in providing solutions to such problems as the transfer and continuation of pension insurance between provinces, recognition of rights and interests in other areas, retirement insurance for rural migrant workers, and convenience of management services to the general public.

## (2) The medical insurance system

At present, an initial framework for the basic medical security system has been formed, with urban employees' basic medical insurance, urban residents' basic medical insurance, the New Rural Cooperative Medical Care System and urban and rural medical aid respectively covering urban employees, residents not yet employed, rural residents and groups in difficulty; a comprehensive coverage of both urban and rural residents has thus been institutionally realized. This year, the Chinese Government will also implement measures to alleviate the problem of the transfer and continuation of medical insurance for persons moving between provinces.

For the past five years, the number of people participating in basic medical insurance has increased rapidly, whilst payouts to those participating in basic medical insurance have been effectively guaranteed. In 2005, the number of people participating in urban medical insurance was 137.09 million, among whom 99.59 million were participating employees accounted and 37.50 million were participating retirees. By the end of 2009, the numbers of people participating in employees' medical insurance, residents' medical insurance and the New Rural Cooperative Medical Care System were 219 million, 181 million and 833 million respectively, with the coverage of the basic medical insurance system exceeding a population of 1.2 billion.

## (3) Workers' compensation insurance

China has expanded the scope of coverage of workers' compensation insurance through legislation, raising the level of protection. The Regulations on Workers' Compensation Insurance, implemented in 2004, guarantee in the form of State legislation that when workers are injured in accidents at work or contract occupational illnesses, they shall be able to receive medical care and relief and gain economic compensation, promptly and in accordance with the legally stipulated criteria. Since the implementation of these regulations, the number of people participating in this insurance has continually increased, from 45 million in 2004 to almost 150 million today. Of these, the number of rural migrant workers participating in the insurance has steadily increased, from over 12 million to 55.8 million.

## (4) The unemployment insurance system

From the end of 2005 to November 2009, the number of people participating in unemployment insurance increased from 106.48 million to 126.12 million. By the end of 2008, in response to the impact of the financial crisis upon employment, with the agreement of the State Council, the Ministry of Human Resources and Social Security, the Ministry of Finance and the State Administration of Taxation rolled out the Circular on Taking Positive Measures to Lighten the Burden on Enterprises and Stabilize Employment, which laid out relevant policies to lighten the burden on enterprises and stabilize the employment situation: permitting enterprises in difficulty to defer the payment of social insurance; reducing unemployment insurance premiums within a specified time-period; and using unemployment insurance funds to stabilize positions in enterprises in difficulty and to pay social insurance subsidies and job position subsidies.

For the first 11 months of 2009, unemployment insurance funds of RMB 16.1 billion were used to lighten the burden and stabilize employment positions. Of this, RMB 6 billion of unemployment insurance funds were used to pay for job position subsidies, whilst deferred payments of insurance premiums amounted to RMB 510 million, involving 1.27 million employees. Reduction of premiums reduced the unemployment funds by RMB 9.57 billion, involving 64 million employees.

**(5) Maternity insurance**

For the last few years, the number of people participating in maternity insurance has shown an annual increase of over 10 million. In 2006, the number of people participating in such insurance was 64.59 million. By the end of 2009, the number of employees participating had reached 108.6 million, the first time the figure had broken the crucial 100 million threshold. The operation of maternity insurance has been smooth, and the proportion of contributions is approximately 0.68 per cent of the total payroll of employees in a given work-unit. The chief items covered include maternity allowances and medical costs during maternity.

In 2009, the State Council rolled out its Circular on Finding an Appropriate Solution to the Maternity Medical Costs of Urban Residents, which incorporated medical costs incurred by urban residents for hospital births within the scope of payouts from the basic medical insurance fund for urban residents; with the establishment of the New Rural Cooperative Medical Care System, rural women having hospital births are also-protected. At present, China's urban and rural non-employed are all able to enjoy maternity protection coverage.

**(6) Rural pension insurance**

The official launch of the new rural pension insurance programme was a breakthrough step forward on China's onward path towards the realization of its target of constructing a social insurance system covering both urban and rural residents. China has nearly 900 million rural residents, of which those over the age of 60 exceed 100 million. Solving the problem of pension insurance for rural residents has major significance for the promotion of coordinated economic and social development, the transformation of the binary urban-rural structure, and the realization of social fairness and justice. On 1 September 2009, the State Council issued its Guiding Opinions on the Trial Launching of New Rural Social Pension Insurance. From 2009 to 2010, the first batch of nationwide trial centres, in 320 counties across 27 provinces and autonomous regions, and 4 cities under the direct control of the Central Government, provided coverage to a rural population of over 120 million people, among whom those over 60 years of age numbered 15 million. In 2009, 10 per cent of counties nationwide trialled the scheme, with the number expanding to 23 per cent in 2010; full coverage for rural residents of the appropriate age will be realized by 2020.

The new rural insurance trials adopted a combined model of funding contributions, comprising individual payments, collective allowances and government subsidies. Rural residents participating in the insurance pay premiums as stipulated, and localities may set up additional premium payment tiers in accordance with the actual situation, with rural inhabitants participating in the insurance scheme having a free choice. Village collectives with the appropriate conditions should give suitable allowances to villagers paying insurance premiums, and the local financial administration should provide rural insurance participants with subsidies for premiums; the standard for subsidies is not less than RMB 30 per person per year. Insurance participants who have reached their sixtieth birthday and who meet the right conditions may receive new rural insurance pensions. New rural insurance pensions are made up of two parts: the individual account pension and the basic pension, and are paid out until the end of one's life. By the end of February 2010, 14.26 million rural elderly persons who met the conditions had received basic pensions subsidized by the central financial administration.

## 2. The minimum subsistence guarantee system

### (1) Widespread establishment of the national urban minimum subsistence guarantee system, and its increasing standardization

The State has continued to standardize the urban minimum subsistence guarantee system, and has greatly increased its funding input, actively taking measures to respond to price fluctuations, and establishing a preliminary dynamic adjustment system for the minimum subsistence guarantee standard; the level of protection has markedly increased and the urban minimum subsistence guarantee system has entered a period of smooth operation. By the end of 2009, 23,456,000 urban impoverished residents nationwide had received minimum subsistence guarantee payouts, with the total annual aggregated funding expenditure for the urban minimum subsistence guarantee being RMB 48.21 billion, an increase of 22.5 per cent on the same period for the previous year (see Figure 2).

### (2) The rural minimum subsistence guarantee

The rural minimum subsistence guarantee refers to the system in which rural impoverished families with an annual net per capita income of less than the minimum subsistence guarantee for the area in question are issued with the minimum subsistence guarantee on the basis of the gap between their family's annual net per capita income and the subsistence guarantee standard. In July 2007, the State Council issued the Circular on the Nationwide Establishment of the Rural Minimum Subsistence Guarantee System, which made clear provisions on such contents as the rural minimum subsistence guarantee standard, the beneficiaries of the guarantee system and the implementation of funding. By the end of September of the same year, this system had already been fully implemented in all 2,777 rural counties (cities, districts) in 31 provinces (municipalities directly under the Central Government, autonomous regions) nationwide. The State has heavily subsidized areas in financial difficulty. For the last three years, the central financial administration's subsidy funds have seen substantial increases year on year, the funds totalling RMB 3 billion, RMB 9 billion and RMB 21.6 billion respectively. Since 2007, a total of RMB 70.08 billion in rural minimum subsistence guarantee funding has been issued nationally. By the end of 2009, nationwide there were a total of 22,917,000 households, with 47.6 million people, receiving rural minimum subsistence guarantees, accounting for 5.4 per cent of the rural population. Rural residents in the various regions who, for reasons such as illness or disability, old age and frail health, loss of ability to work, or bad living conditions, have been living in long-term hardship, have basically been brought within the scope of the guarantee system. The State has continually raised the standard and level of the guarantee, in line with continued increases in levels of economic and social development. In 2009, the national average standard was a monthly per capita allowance of RMB 64, with the annual cumulative expenditure on rural minimum subsistence guarantees totalling RMB 36.3 billion, an increase of 58.7 per cent on the previous year.

## 3. Social welfare

### (1) Realization of systemic innovation in the Five Guarantees Subsistence Programme in rural areas

The Five Guarantees Subsistence Programme refers to life care and material assistance provided by the State to rural residents who are elderly, disabled or under the age of 16, and who have lost the ability to work, have no source of livelihood and no legally appointed guardian to provide support, fostering or care, or whose legally appointed guardian lacks the capacity to provide such support, fostering or care, to cover food, clothing, housing, medical care and burial expenses. In January 2006, the State Council

adopted the new Regulations on the Five Guarantees Subsistence Programme for Rural Areas, which transformed this system from an originally rural collective welfare undertaking into one in which all guarantees are government financed. In May 2009, the State Council incorporated expenditure on the Five Guarantees Subsistence Programme within the fiscal budget of counties and townships, to further ensure the level of support from funding sources. At present, the Five Guarantees system has been initially formed, with dedicated management of support funds, and a standard that has been progressively raised. The annual average standard for separate support was RMB 1,843 per person per year, while that for collective support was RMB 2,587. Nationwide, there were a total of 31,286 organizations providing Five Guarantees support and services, and the conditions of the facilities and level of services showed continual improvement. By the end of 2009, there were a total of 5,533,000 people nationwide receiving support from the Five Guarantees system, of which those receiving collective support in institutions such as old people's homes numbered 1,718,000, the rate of collective support being 31 per cent. From 2006 to 2009, a total of RMB 26.18 billion was expended nationwide on funding for the Rural Five Guarantees Subsistence System.

**(2) Continued improvements in the construction of the social welfare system for persons with disabilities**

In 2006, the Chinese Government carried out the Second China National Sample Survey on Disability, which clarified the basic situation and needs of persons with disabilities, and provided a scientific basis for formulating legal policies to safeguard the rights and interests of persons with disabilities. In April 2008, the National People's Congress considered and amended the Protection of Persons with Disabilities Act, which made comprehensive and institutional provision to safeguard the rights of persons with disabilities.

In recent years, the State has made great efforts in pushing forward the construction of a social security system for persons with disabilities, striving to provide systematic safeguards for persons with disabilities in respect of such basic needs as basic livelihood, medical care, rehabilitation, education and employment. Currently, impoverished persons with disabilities have been universally incorporated within the urban and rural minimum subsistence guarantee system. Of those persons with disabilities in the urban areas, 62.1 per cent are participating in basic medical insurance and 42.1 per cent in basic pension insurance, whilst in rural areas, 94.4 per cent of persons with disabilities are participating in the New Rural Cooperative Medical Care System, with 350,000 persons with disabilities participating in the new rural pension insurance programme trials.

The State gives special attention to the basic livelihood of persons with disabilities who face particular hardships, such as those with severe, intellectual or psychiatric disabilities and those who are living in families receiving the minimum subsistence guarantee, and has adopted measures such as raising the standard for aid or providing a certain amount of additional subsidies; enabling universal access to temporary relief and earmarked aid for persons with disabilities who have temporary difficulties brought about by illness, disasters and so on; and continued raising of the level of collective support and social aid for persons with disabilities under the rural Five Guarantees system or the urban "Three Withouts".

**4. Mutual assistance within society**

In recent years, China has continued to strengthen the encouragement and regulatory management of social giving activities, and the Enterprise Income Tax Act, promulgated by the National People's Congress in 2007, rolled out tax incentive measures for social giving.

The Government has increased the strength of its support for non-profit charitable social organizations, so as to give full play to these organizations in safeguarding the basic livelihood of hardship groups and disadvantaged groups, and promote the positive role of such aspects as social fairness and social justice. By the end of 2009, there were a total of 1,843 foundations nationwide, as well as a vast number of charitable non-profit social groups, each year raising funds totalling several tens of billions of RMB. For example, from 1989, the China Youth Development Foundation began implementation of Project Hope, and in the space of 10 years raised and donated more than RMB 1 billion, sponsoring over 2.5 million children who had missed out on their schooling.

In 2008, China suffered serious natural disasters including the disastrous occurrence of low temperatures, ice and snow, and the great Wenchuan earthquake in Sichuan Province. The State gives serious attention to disaster relief and post-disaster reconstruction, to the active mobilization of all sectors of society, and to the active participation of the general public, and has formed the largest-scale social giving and volunteer action programme since the establishment of the PRC. This has made huge contributions to ensuring victory in fighting disasters and providing disaster relief, and to the peaceful settlement of people in the affected areas. By the end of 2008, 38,000 regular social giving centres and work-stations and charity supermarkets had been established nationwide. The Ministry of Civil Affairs directly received social donations totalling RMB 76.4 billion (of which civil administration departments accounted for RMB 49.88 billion, charities RMB 18.79 billion, and various social organizations registered with civil administration departments RMB 7.73 billion), whilst the amount of material goods donated was equivalent to RMB 1.96 billion; social donations received indirectly through transfer from other departments totalled RMB 13.9 billion. These monetary and material donations enabled groups in difficulty to receive benefit 52,029,000 person-times.

## 5. Difficulties and challenges

The difficulties that China faces at present in respect of constructing the social security system are chiefly manifested in the following: problems remaining from the transition between systems are still relatively prominent, funds were not accumulated during the period of the planned economy, and expenditure on the various types of social insurance faces huge pressures; the development of social security in the urban and rural areas is unbalanced, and the design of the system is imperfect, with some groups lacking effective systemic arrangements; the scope of coverage is narrow, and the level of funding is low and in the transfer and continuance of social security affiliations, there exist certain problems. Looking to the period ahead, the work of perfecting the social security system faces the serious challenges of population aging, urbanization and diversification of employment modes.

For the next step, China will further build up and perfect its social security and management services systems, and realize a situation in which funds are sourced through multiple channels, modes of security are multi-layered, and management services are socialized; it will expand the scope of social security coverage, basically bring about the equal enjoyment of social security by the various categories of people in work in both urban and rural areas, and further perfect the rural social security system.

## 8. Article 10

### Protection of the family

The States parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

#### 1. Protection of the rights and interests of married families

China's initial report has already explained in detail how Chinese citizens' freedom to marry is protected by law, including the circumstances of the most recent amendment to the Marriage Act (2001). The present report will thus not repeat these details unnecessarily. Here, we respectfully reiterate that China upholds the implementation of a marriage system in which marriage is the voluntary union of one man and one woman as equal partners, protects equal, harmonious and civilized relations in the marital household, prohibits bigamy and cohabitation between one who has a spouse and another person, and prohibits domestic violence. Chinese citizens' freedom to marry is protected by law, and both parties may marry or divorce of their own free will.

The Regulations on Marriage Registration, promulgated by the State Council, came into effect on 1 October 2003. When citizens are handling procedures for registration of marriage or divorce, they no longer need to provide documentation issued by their work-unit or village (residents') committee proving marital status. Men and women preparing to marry no longer need to provide proof of having undergone a pre-marital health check. In 2009, the number of citizens in China registering for marriage was 12,122,000 couples, an increase of 10.4 per cent on the previous year, whilst the crude marriage rate was 9.1 per mille, an increase of 0.8 tenths of one percentage point on the previous year. There were 2,468,000 couples who divorced, an increase of 8.8 per cent on the previous year, whilst the crude divorce rate was 1.85 per mille, an increase of 0.14 tenths of one percentage point on the previous year.

#### 2. Increasing maternity protection

With regard to protection of women during the pregnancy, delivery and breastfeeding periods, the relevant provisions of the Labour Act and the Population and Family Planning Act have been explained in the initial report, and still apply. For instance,

provision is made that women employees during the pregnancy and breastfeeding periods may not be assigned work of high intensity or work which they should avoid undertaking; women employees during maternity are entitled to not less than 90 days of paid maternity leave; and the costs of pre-natal checks, childbirth and so on shall be proportionately reimbursed by the employer enterprise.

A survey by the All-China Federation of Trade Unions shows that according to incomplete statistics, by the end of 2009, a total of 1,674,000 enterprises and institutions, covering 42,826,000 female employees, had enforced the provisions prohibiting female employees from being assigned to work down the pit of mines or engage in physical labour of Grade 4 intensity, and to engage in work which they should avoid during the menstruation, pregnancy, delivery and breastfeeding periods. A total of 1,714,000 enterprises and institutions, covering 44,395,000 women employees, had enforced the provisions pertaining to the provision of special treatment for women employees during the pregnancy, delivery and breastfeeding periods.

In recent years, the Chinese Government has assiduously carried out its commitments in respect of the International Conference on Population and Development (ICPD) Programme of Action and the Millennium Development Goals ("Achieve universal access to reproductive health by 2015"), and places great importance on the protection of women's reproductive health rights. The relevant circumstances are as follows:

(1) Population and family planning departments, along with other relevant departments, have been actively promoting the cause of reproductive health and maternal and infant healthcare, and have made considerable efforts to implement a healthy childbirth promotion programme focused on the issues of "advice on healthy childbirth, guidance for high-risk groups, pre-pregnancy healthy childbirth health check-ups, and balanced nutrition". At present, almost all areas at county level and 95 per cent of areas at township level nationwide have set up reproductive health service centres, providing healthy childbirth and childhood development services, whilst over 80 per cent of counties have developed high-quality reproductive health and maternal and infant healthcare services of various different kinds.

(2) The State has created the conditions to safeguard citizens' choice of safe, effective and appropriate contraceptive and birth-control measures, so as to raise the reproductive health level of citizens. The Government provides free, publicly available family planning products and services, and emphasizes the provision of multiple methods of contraception, whilst opposing mandatory sterilization. According to the results of a 2007 survey, among married men and women of childbearing age, use of IUDs accounted for 52.30 per cent, tubal ligation 32.25 per cent, vasectomy 6.14 per cent, oral contraceptive medicines 1.22 per cent, condoms 7.38 per cent, skin implants 0.33 per cent, contraceptive medicines for external use 0.21 per cent, and other methods 0.17 per cent. A general tendency in the configuration of contraceptive methods is the gradual rise in reversible methods, which account for over 60 per cent of all contraceptive methods used.

(3) The maternity insurance target proposed by the China Women's Development Programme (2001-2010) was that 90 per cent coverage be reached by 2010; coverage already increased from 26 per cent in 2000 to 46.1 per cent in 2005, and it is expected that by 2010, the target requirement can basically be met. By the end of 2005, the number of employees participating in this insurance nationwide was 54.08 million, an increase of 24.07 million on the figure for 2000. Among these, the number of female employees participating increased by 11.33 million. In the last few years, the number of people participating in maternity insurance has increased by over 10 million per year. By the end of 2009, the number of employees participating in maternity insurance had reached 108.6 million.

(4) In the Wenchuan earthquake disaster zone in Sichuan, the State has comprehensively implemented a special support system for families wishing to have another child, and has provided free maternity advice and technical services to groups affected by the disaster, actively launching comprehensive childbirth services for those wishing to have another child. By the end of November 2009, advice to those considering having another child and pre-pregnancy health check-ups had been provided a total of 37,000 times, 3,027 persons had stopped their use of contraceptive measures, infertility-related diseases had been diagnosed and treated 4,013 times, antenatal screening and diagnosis had been carried out 692 times, and assisted reproduction 135 times. A total of 2,726 women succeeded in becoming pregnant again, and 1,489 infants were born healthily.

(5) Overall rectification of the problem of the relatively high gender ratio among the newborn population. The reasons for the problem of relatively high gender ratios among newborn populations are complex; in China, they chiefly include the following: the influence of traditional values in matters of childbirth, which lead to a preference for producing boys; the principal reliance on males by the majority of families in rural areas for their productive labour and family support of the elderly; and the misuse of technology such as type-B ultrasound to determine the gender of the foetus. The Chinese Government has adopted a series of measures to solve the problem of the relatively high gender ratio among the newborn population, including: (1) Advocacy of gender equality and other related issues throughout society, in order to eliminate gender discrimination; (2) establishment of an effective overall rectification mechanism in which departments coordinate and the whole society participates, to safeguard the legitimate rights and interests of girls and their families; (3) development of comprehensive services for the periods of pregnancy and delivery, with rigorous checks on the identification of foetal gender for non-medical purposes and gender-selective artificial termination of pregnancy.

### 3. Protection of the rights and interests of children

In its initial report, China explained that the State places great importance on the protection of the physical and mental health of minors, and prohibits the use of child labour, that employers may not hire minors under the age of 16, and that the State has enacted relevant laws and legal regulations such as the Labour Act, the Protection of Minors Act, and the Regulations on the Prohibition of the Use of Child Labour. The relevant specific contents will therefore not be repeated unnecessarily here. Given that China will this year submit to the United Nations its combined third and fourth period reports on the implementation of the Convention on the Rights of the Child, which give a comprehensive reflection of the situation in recent years regarding the cause of children in China, including the protection of the legitimate rights and interests of minors, and the measures taken and results achieved in combating the illegal use of child labour, the present report will provide only an explanation of general principles in regard to the following two points:

(1) The Protection of Minors Act, amended by the National People's Congress (promulgated on 29 December 2006 and effective from 1 June 2007), further clarifies the principle of protecting the healthy growth of minors under the age of 16. Article 3 adds content on the principle of non-discrimination, and, based on the affirmation that children enjoy the right to survival and the right to development, for the first time stipulates the right to participation as a fundamental right of the child, stating explicitly that in respect of family matters, the opinions of minors shall be listened to and respected. The amended Protection of Minors Act also makes provision regarding the content of family education, and strengthens the protection of children from domestic violence, as well as making special provision regarding the child's right to privacy.

(2) Further measures to prohibit the use of child labour. The Regulations on Employment Services and Employment Management, enacted by the Ministry of Labour and Social Security in 2007, provide that employers may not hire minors, and prohibit employment intermediary institutions from introducing minors to employment. The Regulations on Labour Security Supervision, promulgated and brought into effect by the State Council in 2005, provide a legal basis for the investigation and handling of actions in violation of the law involving the use of child labour, and make concrete provisions. Departments including the Ministry of Public Security and the Ministry of Human Resources and Social Security, through such methods as regular patrols, special investigations, and receipt and handling of complaint reports, resolutely take corrective action, and investigate and handle actions in violation of the law that involve the use of child labour.

## 9. Article 11

### The right to an adequate standard of living

1. The States parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

#### 1. The right to an adequate standard of living

(1) The per capita income of urban and rural residents has shown sustained rapid growth, and the quality of life has continued to improve. In 2009, the per capita disposable income of urban residents was RMB 17,175, whilst the per capita net income of rural residents was RMB 5,153, an annual average increase of around 10.2 per cent and 8.3 per cent respectively across the period of the Eleventh Five-Year Plan. In 2009, the total retail sales volume of consumer goods in China was RMB 12,534,300,000, an increase of 86.6 per cent on 2005, whilst the Engel's Coefficients for urban and rural residents fell respectively from 39.4 per cent and 49.1 per cent in 2000 to 36.5 per cent and 41.0 per cent in 2009.

(2) Implementation of poverty alleviation and development goals. The State Council's Development-oriented Poverty Reduction Programme for Rural China makes clear mention of the overall goal for 2001-2010 of "solving the problem of adequate food and clothing among the minority impoverished population as soon as possible". Currently, the vast majority of regions in the eastern part of the country have already completed this goal ahead of schedule, whilst the majority of regions in the central and western parts of the country will be able to complete as scheduled. The proportion of the rural population belonging to the rural absolute poverty group fell from 3.4 per cent in 2000 to 1 per cent in 2008, whilst the proportion of those belonging to low-income groups fell from 6.69 per cent to 3.2 per cent (see Figure 3). Since 2008, China has implemented a new poverty alleviation standard of RMB 1,196 per capita annual income, and has done away with the former categorizations in respect of absolute poverty groups and low-income groups. The coverage of recipients of poverty alleviation has thus been expanded, with the figure for 2009 standing at 35.97 million people.

(3) Given the relatively great discrepancy that exists between urban and rural areas, China has in recent years accelerated the reform and development of the countryside,

promoting and protecting the rights and interests of rural inhabitants, and providing macro policy safeguards to ensure that everyone enjoys an adequate standard of living and is free from hunger. The Regulations on Agricultural Taxation were officially annulled as of 1 January 2006, and the Government, on a nationwide scale, exempted the payment of agricultural taxes, thus greatly reducing the burden for 800 million rural inhabitants. In October 2008, the Third Plenary Session of the Seventeenth Central Committee of the Communist Party of China adopted the decision to push forward rural reform and development, proposing that by 2020, the per capita income of rural inhabitants should have doubled that of 2008, eradicating the phenomenon of rural absolute poverty. In order to realize this target, the Third Plenary Session made the important decision to allow farmers to circulate land contract rights in various ways. It proposed numerous measures to protect the democratic rights of rural inhabitants and to increase their wellbeing.

(4) Contributions to international cooperation on poverty reduction. The United Nations Millennium Development Goals Report 2008 demonstrates that China has already realized ahead of schedule the goal of halving the proportion of the population in absolute poverty and the proportion of the population suffering from hunger. This is a huge contribution on China's part towards the cause of world poverty reduction. From 2005 until the present, in order to promote the economic and social development of other developing countries, China has held 1,623 foreign aid training workshops, which trained 43,823 officials and technical personnel from over 100 countries. China's State Council Leading Group Office of Poverty Alleviation and Development once a year holds the 10.17 High-level Forum on Poverty Reduction and Development and the China-ASEAN Forum on Social Development and Poverty Reduction, which have become important events for international exchange on poverty reduction.

(5) China still has one of the largest populations of impoverished people in the world. The gap between China's urban and rural areas, between different regions, and between residents' incomes is still expanding. In addition, contradictions between ecological protection and economic development are relatively pronounced; the policy implementation system for social development and poverty alleviation needs perfecting, and there is an urgent need to raise poverty reduction efficiency. The Chinese Government will continue to strive to ensure an adequate standard of living for all and reduce the discrepancies between the urban and rural areas and between regions.

## 2. The right to adequate food

### (1) Overall, from 2003 to 2009, the quality and quantity of the food supply of the Chinese people showed a relatively large degree of improvement, and the right to adequate food has basically been guaranteed.

Food production capacity has steadily increased, with supply becoming ever more abundant, and supply and demand basically balanced. Between 2003 and 2009, food production increased year on year, from 430 million tonnes in 2003 to 530 million tonnes in 2009, an increase of 23.2 per cent and an average increase rate of 3.5 per cent, far higher than the annual average increase rate of the population in the same period; the sown area of food crops for the same period rose from 99 million hectares to 109 million hectares, an increase of 9.6 per cent (see Figure 4). The output of agricultural products such as oil crops, sugar crops and fruit, as well as meat, poultry and aquaculture products, increased in 2009 to 31,543,000 tonnes, 120 million tonnes, 204 million tonnes, 76,499,000 tonnes, 27,406,000 tonnes and 51.2 million tonnes respectively, representing respective annual increases of 12.2 per cent, 27.3 per cent, 40.5 per cent, 18.7 per cent, 17.5 per cent and 25.6 per cent. Per capita hold of agricultural products rose. In 2009, the annual per capita hold for grain, cotton, oilseed, pork/beef/lamb, aquaculture products and milk respectively

reached 399 kilos, 4.8 kilos, 23.7 kilos, 44.4 kilos, 38.5 kilos and 26.4 kilos, an annual increase on 2003 of 19.3 per cent, 27.0 per cent, 8.6 per cent, 12.4 per cent, 21.7 per cent and 94.1 per cent (see Figure 5).

Balanced food supply capacity has been strengthened, urban and rural residents enjoy an abundance of different consumer food products, and the situation in respect of nutrition is showing daily improvements. In recent years, the incomes of urban and rural residents have shown sustained increases, and the standard of living has continually been raised (Figures 6 and 7). The Engel's Coefficient for urban residents has remained at around 37 per cent, and was 36.5 per cent in 2009; the Engel's Coefficient for rural residents has shown an overall declining trend, and was 41.0 per cent in 2009, a fall of 4.6 percentage points on 2003. The gap between the Engel's Coefficients for urban and rural residents has narrowed by 4.5 percentage points. With regard to the structure of food consumption, the per capita staple food consumption of urban residents was relatively stable at 80 kilos, whilst in rural areas there was a yearly decrease, from 222.4 kilos in 2003 to 199.1 kilos; per capita consumption of a variety of agricultural products has held steady or has seen some increase. The dietary structure of China's urban residents has made further improvements, with a noticeable rise in levels of nutrition.

## **(2) The role of food price adjustment mechanisms in guaranteeing food security**

Since 2004, China has comprehensively opened up the food purchasing market, and purchase prices are formed by the market, giving full play to the fundamental role of market mechanisms in the allocation of food resources. In order to protect the rights and interests of rural food-growers and to guarantee national food security, the Chinese Government has taken a series of comprehensive adjustment measures, chiefly the implementation of a minimum purchase price policy in regard to rice paddy and wheat in the main production areas, the temporary storage policy for maize, beans and the like, and the continual perfection of temporarily stored grain auctioning and grain reserve rotation mechanisms.

With the combined effect of the market mechanism and comprehensive adjustment measures, China's grain prices have maintained an excellent trend of steady rises. In 2009, the average purchase price of the three grain types of paddy, wheat and maize was RMB 89.62 per 50 kilos, an increase of 75.5 per cent on 2003. Grain purchase prices have steadily risen, raising the relative benefits of growing grain and mobilizing farmers to be more proactive in growing grain, thus realizing increased production and harvest in grain production for many years in succession, and playing an important role in guaranteeing food security.

## **(3) Future targets**

China in its present stage has already realized basic self-sufficiency in regard to food, and will from now on continue to rely on its own strength to guarantee the right of its citizens to food. In 2008, China formulated the Medium- and Long-term Plan for National Food Security (2008-2020), and in the future, China's main targets for guaranteeing national food security and the people's right to food will be as follows:

Stabilizing grain-sown areas. By 2020, maintaining arable land area at not less than 1.8 billion *mu* (one *mu* = 0.0667 hectares), with no decrease in the amount of basic farmland and an increase in its quality.

Ensuring that grain and other such important foods are basically self-sufficient. Stabilizing grain self-sufficiency at over 95 per cent, with overall grain production capacity maintained above 500 billion kilos by 2010.

Maintaining a reasonable level of grain storage. Maintaining central and local grain storage on a reasonable scale and level; maintaining reasonable trends in the structure of grain varieties stored in granaries.

Steady increasing of innovative capacity in agricultural technology. Raising the contribution rate of technology to agriculture by an annual average of one percentage point.

#### **(4) Contributions made to world food security**

With around 9 per cent of the world's arable land and 6.5 per cent of its freshwater resources, China has solved the problem of food and clothing for around 22 per cent of the world's population, realizing a historic leap in which people's lives have gone from an insufficiency of food and clothing to a generally comfortable standard of living, and reaching ahead of time the poverty reduction targets of the United Nations Millennium Development Goals. This is a huge contribution on the part of the Chinese people to global food security and to world peace and development.

As a developing country, China has always contributed its efforts, insofar as its capacity allows, towards world food and agricultural development. Whilst actively providing donations to international food and agricultural organizations, and providing emergency humanitarian food aid to certain countries, China has consistently devoted itself to fully developing the advantages of agricultural technology, helping other developing countries to raise the level of their food production. To date, China has provided agricultural and food aid to almost 100 countries in regions including Asia, Africa, Latin America, the Caribbean, and the Asia-Pacific, setting up a total of 221 agricultural aid projects, including farm and agricultural technology demonstration centres, experimental and promotional stations, farmland irrigation projects and so on, and providing large amounts of equipment and materials for use in agricultural production. In addition, China has sent out agricultural specialists and technical staff a total of 30,000 times to help these countries nurture a large body of agricultural technical staff.

From now on, China will continue to strengthen exchange and cooperation with other countries in the world in the fields of food and agricultural development, and is willing to continue, within a multilateral framework, to provide agricultural aid to other developing countries to the best of its capacity; this includes expansion of agricultural technology demonstration centres, sending of additional agricultural experts, expansion of agricultural training, provision of emergency humanitarian food aid, and so on. In 2008, China already decided to double the number of agricultural specialists and technical staff sent abroad, and to provide 3,000 person-times of agricultural training in China for people from overseas. China has pledged to donate USD 30 million to the United Nations Food and Agriculture Organization to establish a trust fund for use in projects and activities to assist developing countries in raising agricultural production capacity; an agreement has been signed and the fund has already begun operations. China will continue, as it has done in the past, to increase its support of international food and agriculture organizations.

#### **(5) Problems and challenges**

China has a huge population and the demand for food is great. However, agricultural production resources are limited and the basis for food security is relatively fragile. With regard to future development prospects, with the development of industrialization and urbanization, as well as population increases and raises in people's standard of living, consumer demand for food will see further increases; however, constraints on food production, such as decreases in arable land, scarcity of water resources and climate change, are becoming more and more pronounced. China's supply and demand of food will, in the long-term, remain tightly balanced, and the task of guaranteeing food security and people's right to adequate food faces steep challenges, including the following:

Arable land is decreasing year on year. By the end of 2009, the overall area of China's arable land was 1,825,800,000 *mu* (one *mu* = 0.0667 hectares), a decrease of 6.3 per cent on 2003. Per capita arable area was 1.37 *mu*, about 40 per cent of the world average level. Middle- and low-yield fields of relatively poorer quality account for around two thirds of this. Desertification of land and soil degradation are a problem. Arable land reserves are in increasingly short supply, and the space for expanding grain-sown area is extremely restricted.

Scarcity of water resources. At present, the amount of China's per capita hold of water resources is around 1,800 cubic metres, around one quarter of the world's average. Each year, agricultural production lacks around 30 billion cubic metres of water, and the time-space distribution of water resources is extremely unbalanced, whilst water and land resources are very ill-matched. In addition, in recent years, China has seen serious natural disasters, with relatively numerous unfavourable weather factors, a persistently low level of rainfall in northern areas and a serious tendency towards aridification.

The structure of food consumption has been upgraded, with consumer demand showing strong growth. From the present onwards, per capita staple food consumption among Chinese residents will decrease, but demand for feed grain will increase, and with increases in the population, the overall volume of food demand will increase.

The difficulty of maintaining stable agricultural development is increasing. Since production in agriculture has increased for six consecutive years, the base figure is relatively high, increasing the difficulty of continued growth in production. If the price of agricultural products drops and agricultural operational efficiency falls, the positive state of agricultural production will be impacted.

## **(6) Problems of food safety**

The 2008 Sanlu infant milk powder incident was a major food safety incident. Once the incident had occurred, the State Council put maximum efforts into offering free screening and diagnosis of infants and free treatment to infants suffering from illnesses. Special melamine checks were carried out nationwide on infant milk powder and liquid milk, and products with quality problems were immediately fully recalled, whilst the criminal elements who violated the law and those responsible were dealt with severely. On 22 January 2009, the former chairman of the Sanlu group was sentenced by the court of first instance to life imprisonment, and was fined over RMB 20 million. By 22 January 2009, over 260,000 parents of affected children nationwide had signed compensation agreements with the businesses responsible, and had received compensation, accounting for 90.7 per cent of the total number of affected children; the parents of six dead children and the parents of all but two of the 891 children affected with severe symptoms who had already been successfully contacted, had all received compensation, initiated by the businesses responsible. The whole compensation process was stable, orderly and smooth. The Chinese Government, in the course of handling the matter, announced the progress of its investigation of the incident and the medical situation of the affected children in a timely fashion, making prompt reports to the World Health Organization, and earnestly safeguarding the general public's right to be informed and right to supervise.

In response to the problems revealed by the Sanlu incident, China has in recent years adopted a series of major measures to enhance supervision and management of food safety, and has continually been strengthening the system of laws and legal regulations and policy measures relating to the safe production of food products. From December 2008, China launched special corrective campaigns at national level to rigorously crack down on acts involving the illegal addition of non-edible substances, and to clean up and standardize the food additives market. In 2009, the National People's Congress adopted the Food Safety Act and the regulations for its implementation, which makes provision on the supervision

and management system, the system for reporting cases, safety standards, supervision and management of additives, and the recall system. In 2010, the State Council established the Food Safety Committee, directed by the Vice-Premier of the State Council and with 15 departments participating, to give overall planning and guidance regarding food safety, so manifesting the resolve of the Chinese Government to strengthen supervision and management in accordance with the law, and to raise the level of food safety.

### 3. The right to adequate housing

The Chinese Government has accelerated the construction of housing, centring on the two key themes of “adequate housing for all” and “sustainable development of human settlements in an urbanizing world”. In recent years, there have been marked improvements in the standard of housing and the housing environment in both urban and rural areas, and 12 cities in China have received United Nations “habitat awards”.

#### (1) Clarifying task targets, and solving the housing problems of low-income families

The Chinese Government places a high level of importance on the housing problems of urban and rural residents, in particular on finding solutions to the housing difficulties of low-income families. Since 2005, the Central Government has made finding solutions to the housing difficulties of low-income families a key governmental responsibility, and has proposed work targets and policy measures. These include establishing a low-rent housing system, and integrating physical distribution of rent with rental housing subsidies through input from the public treasury, to provide housing guarantees for low-income urban families; improving and standardizing the system of economically affordable housing, with a specific amount of such housing being constructed annually in each locality; and establishing a housing provident fund system.

In March 2009, the Government’s work report again proposed policy measures to speed up the implementation and perfect the promotion of the construction of guaranteed housing, in an effort to solve, within a period of three years, the housing problems of 7.5 million urban low-income families with housing difficulties and 2.4 million residents in shanty areas in forest, reclamation and coal-mining regions. In order to ensure the realization of these targets, the Central Government and local governments at all levels have found multi-channel, multi-approach solutions to the problem of the housing difficulties of low-income families, through such effective measures as increasing of financial input, ensuring of land supply, implementation of tax reductions and exemptions, implementation of a policy public housing finance policy, and perfecting of a property rights policy. In recent years, the central financial administration has increased its investment support for low-rent housing and reconstruction of shanty areas, and in 2007, 2008 and 2009 respectively allocated RMB 5.1 billion, RMB 16.8 billion and RMB 47.0 billion. By the end of 2009, a cumulative total of 1.02 million low-rent housing units and 5.59 million economically affordable housing units had been completed, whilst 3.62 million households had been issued with low-rent housing rental subsidies.

In the great Wenchuan earthquake of 12 May 2008, one in every eight Sichuan people lost their place of abode. The Chinese Government decided to basically complete the post-disaster recovery and restoration tasks by September 2010. By August 2009, construction of 207,400 permanent urban housing units had begun, whilst 1,244,400 housing units had been repaired and reinforced. Of the total amount of investment designated for post-disaster recovery and reconstruction projects relating to transport infrastructure and facilities, 48.1 per cent has already been used.

**(2) Strengthening supervision and management, and working to realize fair and just distribution**

Reasonable determination of the scope of housing assurance. In order to help those families who purely rely on their own efforts and have no means to solve their housing difficulties through market channels, the Central Government has guided the regions in scientifically determining the conditions under which assurance recipients are eligible. From 2005 to 2008, the relevant ministries and commissions successively enacted the Measures for Management of the Application, Checking and Withdrawal of Low-rent Housing for Urban Low-income Families, the Measures on Low-rent Housing Assurance, the Measures for the Management of Economically Affordable Housing, and the Measures for the Confirmation of Urban Low-income Families, etc., thus making detailed provisions on the relevant conditions.

Establishment of systems for application, examination and verification, issuing of public announcements, wait-listing, re-checking and so on. The cities and counties, through a connected and interactive review and approval mechanism, verify the housing, income and property status of applying families. The process's openness and transparency, and the fairness and equitability of allocation are ensured by such measures as public announcements in the media, public complaints of foul play and government supervision, so that public resources are used as a priority to meet the needs of those families with the most difficulties. At present, all cities and counties nationwide have basically set up a multi-level review and approval and public announcement system, and have improved their eligibility and withdrawal mechanisms.

**(3) Responses to paragraph 61 of the concluding observations, regarding the resettlement of residents whose houses are to be dismantled**

China is a developing country, and in its economic and social development it faces numerous challenges. Nevertheless, the Chinese Government pays great attention to the promotion and protection of citizens' housing rights during the course of economic and social development, and in major undertakings likewise gives great attention to the protection of the rights and interests of people who need to be resettled, with respect to their real property; through such measures as perfecting legal regulations, regulatory action, compensation and settlement in accordance with the law, and provision of necessary legal aid, it guarantees that the legitimate rights and interests of persons who are resettled on account of their housing being dismantled are not violated.

The Real Right Act, adopted in March 2007 after going through seven reviews, is the first law since the establishment of the People's Republic of China to be reviewed seven times before approval, and makes provision regarding the equal protection of the real rights of the State, collectives and individuals. It makes clear and protects such rights as the right of private ownership, the right to use house sites, the right of owners to partitioned ownership of building areas, and the right to contracted management of land, and delineates in more detail the compensation for requisitioned land, paying attention to the protection of the legitimate rights and interests of requisitionees and farmers. It is a basic civil law for safeguarding rights and interests of pressing concern to the populace.

China's Constitution, Real Right Act and other such laws provide that the State may, for public interests, requisition or expropriate citizens' privately-owned property and provide compensation for so doing. The State Council's Regulations on Managing the Dismantling of Urban Houses include concrete provisions relating to the different parts of the process, including permission to dismantle, hearing of evidence, evaluation and assessment, adjudication, enforced resettlement, compensation standards, and legal aid. People's governments in different localities have all perfected policies relating to dismantling in accordance with the actual situation in their given area, preventing the

occurrence of situations in which harm is done to the legitimate rights and interests of those whose houses are being dismantled and who are being resettled, and rigorously investigating and dealing with acts which have caused such harm. Having implemented the Real Right Act, the Chinese Government is now formulating the Regulations on the Requisitioning and Compensation of Houses on State-owned Land (Consultation Paper), and already in early 2010 adopted the decision to openly solicit public opinion online through the Chinese Government's Legal Information Web. The Chinese Government will continue to construct mechanisms for the coordination of rights and interests in dismantling and resettlement, for the expression of complaints and wishes, for the systematic investigation and mediation of contradictions, and for the protection of rights and interests, and will conscientiously implement policies involving the interests of the general public.

China is an ancient civilization with a long history, and the Government places great importance on the protection of buildings of historical value in respect of dismantling. The Protection of Cultural Relics Act specifically makes provisions in respect of circumstances involving cultural relics and historic sites in the process of dismantling. Whether it be Lhasa in Tibet or some other place, as long as dismantling is to be carried out, it must be done in strict accordance with the conditions and procedures stipulated in the laws and legal regulations. Lhasa is a national-level historically and culturally renowned city, and in recent years, the Chinese Government has invested huge funds of as much as RMB 100 million for use in the preservation of the Potala Palace and other such historical and cultural remains, and there have been no circumstances involving the occurrence of enforced dismantling and resettlement.

With regard to a major project such as the settlement of persons displaced by the building of the Three Gorges dam, the State has specially adopted the Regulations on Land Requisition Compensation and Resettlement of Migrants for Large and Medium Water Conservation and Power Construction Projects, and has invested a huge amount of funding, with each province and municipality nationwide giving wholehearted support to the settlement of displaced persons, in such aspects as funding, technology, information, and staff training. Currently, the progress of settlement has been smooth. Government and judicial departments have carried out prompt investigation, rectification and compensation in respect of the different problems raised by the populations affected.

The Beijing Olympic Games was an international competitive event hosted by China. Beijing municipality, as the host city, did its utmost to make a thorough job of the preparation and hosting work, including issues of dismantling and resettlement involved in the city's construction. Based on the principle of holding a frugal Olympics, as far as possible, existing venues were upgraded and renovated, and the scope of land which could be taken up by newly constructed venues was strictly controlled. From 2001, the number of resident households required to resettle because of the construction of venues for the 2008 Olympics was 6,037, comprising 14,901 people, and representing a gross housing area of 1,115,000 square meters. All dismantling projects undertaken for the Olympics gained permission for dismantling in accordance with the State Council's Regulations on Managing the Dismantling of Urban Houses and the legal regulations and policies of the given area regarding dismantling, and prior to dismantling gained project approval from the development and reform departments, planning approval from the city planning departments, and approval of land use from the land management departments; the projects incorporated realistic and feasible compensation and resettlement plans, and adequate compensation funding and resettlement housing resources, to provide guarantees such that persons being resettled were all able to receive reasonable compensation and appropriate resettlement.

## 10. Article 12

### The right to health

1. The States parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

- (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
- (b) The improvement of all aspects of environmental and industrial hygiene;
- (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
- (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

#### 1. Medical and health system reforms

In April 2009, to earnestly guarantee the people's right to health, China's medical and health system reforms were officially launched, with the overall target of basically establishing by 2020 a basic healthcare and hygiene system covering both urban and rural areas, providing basic medical and healthcare services to the whole populace. This health reform programme comprises three layers of significance: first, it makes the basic medical and healthcare system a public good that is provided to the whole populace, which represents a major conceptual and institutional breakthrough; second, it constructs a basic medical security system, the burden of which is jointly borne by the Government, society and the general public; third, it strives to enable all of China's 1.3 billion people to enjoy basic medical and healthcare services. It determines the five major reform tasks for the 2009-2011 period, which principally include: by 2011, realizing the goal of 90 per cent of people enjoying basic medical insurance, progressive realization of equal access to basic public health services, realization of a basic medical and healthcare services system covering both urban and rural areas, establishment of a basic medicines system, and piloting reform of public hospitals.

The reform of China's health system will be a long and complicated process, and needs to be pushed forward in different stages. In order to make breakthroughs on the main tasks within the next three years, the Chinese Government has proposed the following five measures:

First, in accordance with the requirement to expand coverage, guarantee basic services, and operate sustainably, an approach will be used in which "the Government provides support, society gives assistance, and the people pay a contribution themselves", to build up a basic medical security system on a national scale.

Second, a national basic pharmaceuticals system has recently been rolled out, which will progressively include 307 types of basic medicines used in township and community hospitals within the scope of reimbursement claims.

Third, improving hardware and software provision in township hospitals, community health service centres and county hospitals, training of generalist doctors, and

ensuring access to basic medical and healthcare services for the broad populace and in particular for the rural population.

Fourth, promoting the gradual equalization of access to basic public health services, for instance in providing booster shots of hepatitis B vaccine for the under-15 age group, to fight disease to the maximum extent possible.

Fifth, pushing forward the reform programme for public hospitals, and raising efficiency through such approaches as establishing and perfecting a legal person governance system, implementing an accountability system for hospital directors, establishing stimulus and restraint mechanisms, allowing the input of social funds, and establishing a multipolarized competition mechanism.

## 2. Promoting the enjoyment of basic medical and healthcare services for all

### (1) Basic medical insurance

In recent years, the construction of China's basic medical security system has made positive progress. The extent of basic medical security coverage has further expanded. By 2009, the number of urban and rural residents participating in such insurance exceeded 1.2 billion. Of these, the number of people participating in urban employees' basic medical insurance and urban residents' medical insurance was 401 million; those participating in the New Rural Cooperative Medical Care System reached 833 million. The level of security provided by basic medical insurance has gradually risen. The highest limit for claims payouts from urban and rural residents' basic medical insurance and New Rural Cooperative Medical Care funds has risen to over six times residents' disposable income or farmers' net per capita income for that locality. Within the policy scope of urban employees' medical insurance, urban residents' basic medical insurance and New Rural Cooperative Medical Care, the average proportions for reimbursement of hospital fees are 72 per cent, 55 per cent, and 55 per cent. Over 30 per cent of those regions with pooled funds have realized coverage of urban residents' basic medical insurance and outpatient services under the New Rural Cooperative Medical Care System.

China has implemented the New Rural Cooperative Medical Care System for rural residents, and has established an integrated mechanism for the pooling of funds in which the county (municipality, region) is the unit at which overall pooling takes place and in which the individual pays expenses, the collective provides support and the Government provides subsidies; participation in the scheme is by family and is voluntary. The system began to be piloted in 2003, and by 2008, comprehensive coverage had basically been achieved. By September 2009, the number of counties that had launched the New Rural Cooperative Medical Care System had increased from the initial 333 counties to 2,716; the number of participants in the system had increased from 80 million in the initial stages of the pilot to 830 million, with a participation rate of 94 per cent (see Figure 8); the total funds raised under the New Rural Cooperative Medical Care System in the same year amounted to RMB 82.09 billion, whilst the total accumulated funds raised from 2003 to the present have reached RMB 236.27 billion (see Figure 9); compensation under the New Rural Cooperative Medical Care System had been enjoyed by participants an accumulated total of 1.99 billion times (see Figure 11), whilst actual hospitalization compensation rose from 25 per cent in 2003 to 41 per cent in 2009; the highest limit for payouts has already reached six times the net per capita income of farmers in the same locality, or even higher; and the continual raising of the level of reimbursement has effectively reduced the economic burden of rural inhabitants in respect of healthcare.

In 2003 and 2005 respectively, China established the rural and urban medical aid systems, which provide medical assistance to sufferers who are recipients of the urban and

rural minimum subsistence guarantee, recipients of subsistence under the Five Guarantees system, and those from low-income families. In recent years, aid funds have continuously increased and the number of people receiving aid has seen a sustained expansion, with the level of aid steadily rising. By 2009, medical aid payments in cities nationwide amounted to RMB 4.8 billion, with aid being given 20.17 million person-times; rural medical aid payments amounted to RMB 690 million, with medical aid being given 52.36 million person-times. The medical aid system has played an important role in regard to promoting access to medical care among groups in difficulty.

## **(2) Basic medical and healthcare services**

In order to promote equal access to basic public healthcare services, the Chinese Government has in recent years increased its investment in health. The proportion of total health expenditure borne by the Government increased from 16 per cent in 2001 to 25 per cent in 2008; the proportion borne by society increased from 24.1 per cent in 2001 to 35 per cent in 2008; and the proportion paid by the individual fell from 59 per cent in 2001 to 40 per cent in 2008 (see Figure 11).

In order to gradually extend the coverage of the grass-roots medical and healthcare services system in both urban and rural areas, since 2005, governments at all levels in China have continually increased investment, placing emphasis on enhancing the construction of grass-roots medical institutions. From 2005 to 2008, the Chinese Government organized and implemented its plan for the construction and development of the rural healthcare services system, allocating Central Government investment of RMB 11,774,000,000, concentrating its efforts on supporting the construction of 25,457 township hospitals and 8,823 village clinics, and distributing basic medical equipment for 23,378 township hospitals. In 2009, to coordinate with the work being done to reform the medical and healthcare system, the Chinese Government respectively arranged central investment funding of RMB 2.5 billion and RMB 2.0 billion to support the construction of 3,549 central township hospitals and 1,154 community healthcare services centres.

The accessibility of medical and healthcare services to urban and rural residents has risen continually, and healthcare resources such as healthcare human resources and hospital beds have continually increased. In the cities, 93.5 per cent of family homes are within two kilometers of a medical institution, and 97.1 per cent of families are able to reach their nearest medical institution within 20 minutes. In the countryside, 75.9 per cent of families are less than two kilometers from a medical facility, and 85.4 per cent of families are able to reach their nearest medical facility within 20 minutes. By the end of 2009, China's healthcare institutions had reached 280,000, whilst the number of beds in such establishments was 4,416,000 and the number of health personnel was 6,592,000 people; the number of beds in hospitals at various levels was 3.06 per mille of the population, whilst the number of certified (assistant) doctors was 1.65 per mille of the population.

## **(3) Establishment of a basic medicines system**

The Chinese Government's aim in establishing basic medicines is to protect the rights and interests of the people as a whole to obtain basic medicines, and for this reason, China has established a National Basic Medicines Committee. On 18 August 2009, to safeguard the public's basic access to medicines and reduce the burden of charges for medicines, nine departments including the Ministry of Health and the State Administration of Traditional Chinese Medicine jointly issued Opinions on Implementing the Establishment of a National Basic Medicines System. The National Development and Reform Commission adjusted the price of medicines and strengthened overall quality inspection and control. By the end of 2009, 27 provinces had implemented at provincial level a centralized system of unified tendering, procurement, dispensing and delivery, and

will implement the National Basic Medicines System in 30 per cent of government-run city community healthcare service institutions and rural grass-roots medical and healthcare institutions.

### 3. Safeguarding women and children's right to health

The Chinese Government has always made it a priority to protect the rights and interests of women and children in regard to health, and to provide healthcare for women and children. Maternal healthcare services have been continually enhanced and the rate of hospital births has been rising steadily, whilst the maternal mortality rate and infant mortality rate have continued to fall. In 2009, the antenatal check-up rate was 94.4 per cent, an increase of 6.6 percentage points as compared with 2003; the early pregnancy check-up rate was 65.2 per cent, an increase of 14.2 percentage points compared to 2003; the rate of hospital births was 88.6 per cent, an increase of 20.3 percentage points on 2003; this was particularly so in rural areas, where the level of increase was higher than in the cities (Figures 12 and 13). The maternal mortality rate fell from 51.3 per 100,000 in 2003 to 31.9 per 100,000 in 2009, whilst the infant mortality rate fell from 25.5 per mille in 2003 to 13.8 per mille in 2009 (Figures 14, 15 and 16). In 2009, subsidies were given a total of 6.27 million times to expectant women in China's countryside having hospital births; women of childbearing age took folic acid supplements a total of 3.19 million times; rural women were screened for cervical cancer a total of 1.49 million times, and for breast cancer 980,000 times. The health gap between urban and rural women and children is currently gradually decreasing.

### 4. Average life expectancy

In recent years, there have been very great improvements in the overall health of China's population, and the average life expectancy has risen markedly, from 67.8 years in 1981 to 73.0 years in 2005, a rise of 5.2 years; it is thus higher than the average life expectancy of the world's population (67 years) and the life expectancy of populations in developing countries and regions (65 years). Within this overall figure, male average life expectancy rose from 66.3 years in 1981 to 70.8 years in 2005, whilst that of females rose from 69.3 years to 75.3 years.

### 5. Environmental hygiene and public hygiene

#### (1) Reduction of discharge of major pollutants

In June 2007, the Government took the following action: it established the State Council's National Leading Group to Address Climate Change and Energy Conservation and Pollutant Discharge Reduction, with Premier Wen Jiabao serving as its head; it gave its reply on the Plan for Controlling the Nationwide Total Discharge Volume of Major Pollutants in the Eleventh Five-year Plan Period; it issued the Comprehensive Working Programme for Energy Conservation and Discharge Reduction, as well as documents relating to pollution and discharge reduction statistics, monitoring, and verification methods; and it approved the National Plan for the Prevention and Control of Acid Rain and Sulphur Dioxide Pollution in the Eleventh Five-year Plan Period.

The outline for the Eleventh Five-year Plan sets forth the target that by 2010, the total discharge volume of major pollutants will be reduced by 10 per cent of the figure for 2005. Through vigorous promotion of the three major discharge reduction measures of project-based pollution control, structural adjustments, and supervision and management, in

the first three years of the Eleventh Five-year Plan, the proportion of total thermal power installed capacity accounted for by coal-fired units fitted with desulphurization equipment nationwide rose from 8 per cent in 2005 to 60 per cent in 2008; the nationwide urban waste water treatment rate rose from 52 per cent in 2005 to 66 per cent in 2008. Chemical oxygen demand and sulphur dioxide emissions fell by 6.61 per cent and 8.95 per cent respectively on 2005, and for the first half of 2009, had reduced by 2.46 per cent and 5.4 per cent respectively on the same period for 2008. The emissions reduction target for sulphur dioxide in the Eleventh Five-year plan is expected to be realized one year ahead of schedule, and the reduction target for chemical oxygen demand can be realized on schedule.

## **(2) Integrated control and rectification of the urban atmospheric environment**

Each region has been optimizing urban business distribution, and a large group of heavily-polluting enterprises have relocated and have implemented reforms. In 2008, the national concentrated heat supply area reached 3.0 billion square meters. The State promulgated and implemented a series of 83 environmental standards for motorized vehicles, including a complete ban on the use of leaded petrol. When compared with 2000, the amount of vehicular pollutants emitted by China's newly produced lightweight cars fell by over 90 per cent. Increased efforts have been made in regard to urban greening, and the per capita area of urban parks and green spaces has increased from 7.89 square meters in 2005 to 9.71 square meters in 2008, thus effectively curbing urban pollution caused by raised dust. When compared with 2000, the average annual concentrations of sulphur dioxide, respirable particulates and carbon dioxide in city air nationwide fell by 28.5 per cent, 33.3 per cent and 31.5 per cent respectively, and the proportion of cities reaching the national air quality standard for Grade 2 or above rose from 35.6 per cent to 76.8 per cent, an increase of 41 percentage points.

## **(3) Drinking water safety**

The Chinese Government places great emphasis on drinking water safety, and the relevant departments have successively formulated a series of protection plans. In 2005, the State Council explicitly proposed the following: "Emphasizing drinking water safety and treatment of major watersheds, and enhancing the prevention and control of water pollution. We should scientifically define and adjust conservation areas for drinking water sources, earnestly enhance the conservation of drinking water sources, properly construct alternative urban water sources and properly address the problem of drinking water safety in rural areas. We should ensure the drinking water safety of the public by resolutely banning direct discharge outlets in water source conservation areas, rigorously preventing pollution of water sources by the breeding industry, prohibiting toxic and hazardous substances from entering into water source conservation areas, and intensifying the prevention and control of water pollution accidents as well as emergency responses". The revised Health Standards for Drinking Water Quality have increased the indicators of drinking water quality from 35 items to 106.

Departments concerned with environmental protection, national land resources, construction, water conservancy, health and so on, have synthesized their different responsibilities in order to continually enhance the supervision, investigation and monitoring of all participants in drinking water production, and rigorously investigate and deal with related actions that violate the law. The competent departments have pushed forward the construction of an urban drinking water hygiene monitoring network, organized the inspection and spot-testing of drinking water hygiene, enhanced hygiene supervision and control of disinfectant products and products used in the production and supply of drinking water, dealt with public health incidents such as drinking water pollution in a safe and reliable manner, and thus have comprehensively pushed forward the work of ensuring drinking water safety.

In the last four years, the State has input RMB 32.0 billion in funding to solve the problem of drinking water safety for the rural population. Through such measures as financial subsidies and tax incentives, and in cooperation with local governments, relevant departments and enterprises, 1,000 administrative villages have been chosen in different areas of China for the promotion of 2,000 sets of advanced decentralized treatment equipment for rural drinking water, as well as the training of 2,000 rural drinking water treatment technicians, providing over 1 million rural residents with safe, high quality drinking water in the space of only a few years.

In recent years, the Chinese Government has made improvements in the conditions of safe drinking water for urban and rural residents, with safe drinking water for urban householders having reached 98.2 per cent. The proportion of safe drinking water and the rate of access to running water in rural areas are 85.8 and 41.9 per cent respectively, markedly higher than the 80.2 per cent and 34.0 per cent of 2003. In 2000, the number of people without access to safe drinking water was 379 million, whilst by 2007 this figure had fallen to 251 million. In accordance with the Eleventh Five-Year Plan, from 2006 to 2010 there will be a further 160 million people who will be able to gain access to safe drinking water, greatly exceeding the requirements for the Millennium Development Goals.

#### **(4) Rural environmental protection**

In regard to work undertaken for rural environmental protection, the focus has been on ensuring the safety of rural drinking water, controlling and rectifying pollution from the breeding of livestock and poultry, domestic waste water and rubbish pollution, pollution by industrial and mining enterprises and soil pollution, and accelerating the construction of the rural environmental protection infrastructure. Since 2008, the central financial administration has input earmarked funding of as much as RMB 1.5 billion into rural environmental protection projects, supporting over 2,160 villages and small towns in initiating integrated control and rectification of the environment and the establishment of ecological demonstration areas, motivating various localities to invest RMB 2.5 billion and providing direct benefits to more than 13 million people.

Work on improving water and sanitation in rural areas has been making smooth progress. From 2005 to 2009, the State increased the level of support for such work. Since the Central Government began supplementing local public health earmarked funds for the implementation of rural water and sanitation improvement projects, the Central Government has in total arranged RMB 2,863,000,000, with provincial-level government arranging RMB 1,808,000,000, for use in the construction of detoxified hygienic toilets for 8,511,200 households. By the end of 2008, the coverage rate of China's rural hygienic toilets had reached 59.72 per cent, up 4.41 percentage points compared to the end of 2005, whilst the coverage rate for detoxified hygienic toilets rose by 6.73 percentage points.

#### **(5) Hygiene supervision**

There has been continuous progress in hygiene supervision. In 2004, only 80.7 per cent of cities and 45.8 per cent of counties had set up hygiene supervision institutions. By the end of 2009, 98 per cent of cities and 93 per cent of counties in China had set up such institutions. The central financial administration's input in recent years has reached an aggregate amount of more than RMB 1.3 billion, which is used in supporting capacity building of hygiene supervision institutions and training of hygiene supervising staff in the central and western regions. The food hygiene inspection pass rate increased from 88.64 per cent in 2005 to 91.26 per cent in 2008. From 2005 to 2009, annual hygiene supervision and inspections of key public places were organized and carried out to enhance prevention and control of the spread of airborne diseases in public places. A quantified and tiered

management system of hygiene in public places with a focus on the accommodation sector was rolled out.

## 6. Immunization programme and other infectious disease control strategies

The Chinese Government attaches a high level of importance to preventive vaccination and has continued to expand its planned immunization programme. Vaccination against hepatitis B, BCG, polio, DPT, measles, DT, hepatitis A, meningitis, Japanese encephalitis, and MMR are all included in the State immunization programme and children of eligible age are routinely vaccinated. There are altogether 14 vaccines for the prevention of 15 infectious diseases, of which 11 vaccines are routinely administered to children to prevent 12 diseases. In 2009, 97.9 per cent of children in urban and rural areas had been issued with planned immunization cards, a marked increase from 88.8 per cent in 2003. Actual child vaccination rates for five vaccines were all over 90 per cent. In comparison with 2003, there has been a considerable increase in the vaccination rate of BCG, DPT, polio and especially hepatitis B. China continues to be free of polio.

The prevention and treatment of schistosomiasis, malaria and hydatid disease have also been enhanced. All schistosomiasis-prevalent counties have reached the standards for epidemic control of the disease. In 2007, malaria and hydatid disease were listed as severe infectious diseases whose treatment would be provided free of charge by the State. The occurrence rate of malaria in 95 per cent of the counties has dropped to below 1 per 10,000. By mid December 2009, the number of reported cases of malaria in China was 13,914, a drop of nearly 50 per cent compared with the same period in 2008.

There have been remarkable achievements in the eradication of iodine deficiency disorders. At present, 27 provinces in China have already achieved or basically achieved the iodine deficiency eradication targets. The consumption rate of qualified iodized salt has increased from 39.9 per cent in 1995 to 96.4 per cent in 2009. The consumption rate of qualified iodized salt in 95.4 per cent of the counties in China has reached more than 90 per cent.

The prevention and treatment of local endemic diseases continue to make progress. By 2009, in areas suffering from fluorosis as a result of pollution caused by burning coal, 6 million families had undertaken renovation of their furnaces and stoves, accounting for 72.3 per cent of the total. According to an assessment in 2007, the water supply renovation rate reached 58 per cent in villages suffering from water-related fluorosis, benefiting 49.50 million people. The water supply renovation rate in villages suffering from water-related arsenic poisoning and high-arsenic concentration areas was 36.2 per cent, benefiting 650,000 people.

There have been remarkable achievements in the cancer early diagnosis and early treatment pilot projects and key target group cancer screening projects. Starting from 2005, China gradually rolled out the early diagnosis and treatment of seven types of cancers, including oesophageal cancer, cervical cancer and breast cancer. By 2009, 115 counties in 31 provinces had carried out early diagnosis and treatment projects on oesophageal cancer, cervical cancer and breast cancer, and an aggregate of about 650,000 people had been screened. In 2009, cervical and breast cancer screening for rural women were incorporated into the State's special major projects for public health, and women of eligible age in certain areas have been screened for the two types of cancer. In the three years from 2009 to 2011, 10 million women in 221 counties (cities and districts) in 31 provinces (autonomous region and municipalities) will have free cervical cancer screening, and 1 million women in 200 counties (cities and districts) will have free breast cancer screening.

Solid efforts have been made to enhance the prevention and treatment of occupational diseases and the prevention of and protection from radiation. From 2005 to 2009, the General Office of the State Council distributed the National Occupational Disease Prevention and Treatment Plan (2009-2015). It also organized the formulation and revision of diagnostic standards for 24 occupational diseases, methods for the identification and assessment of poison in 43 chemicals, prevention and protection guidelines for occupational health for 10 occupations, testing methods for airborne harmful substances in 118 types of workplace, and 10 biological exposure limits and testing methods. The regulatory and standard systems for the supervision and management of occupational health and radiation health have thus been established. The qualifications of occupational health technical service institutions have been reviewed and their supervision and management have been strengthened. With regard to construction sites, assessment of damage incurred from occupational diseases has been carried out, prevention and protection facility design has been reviewed, and inspection upon completion of construction has been undertaken. The pass rate of inspection upon completion of construction rose from 73.8 per cent in 2005 to 93.8 per cent in 2008.

## 7. Enhancing public health emergency response work, and strengthening disease prevention capacity

The Chinese Government has consistently upheld the guiding principle of “prevention first” in strengthening public health services and the medical care system. From 2003 to 2006, the Central Government and local governments raised RMB 10.6 billion to support the construction of 2,448 disease prevention and control centres. On 1 January 2004, China launched an infectious disease direct reporting system based on reports of individual cases of infectious diseases, and an information and reporting management system for sudden public health incidents. By the end of 2008, 100 per cent of China’s disease prevention and control institutions, 96.98 per cent of medical institutions at the county level and above, and 82.21 per cent of township hospitals had been covered by the direct reporting network.

On 12 May 2008, a gigantic earthquake took place in Wenchuan, in China’s Sichuan Province. Places all over China mobilized and dispatched tens of thousands of medical and health workers to the front line of disaster relief, to provide medical rescue and assistance and carry out disease prevention. A total of 10,015 people injured in the earthquake were transferred urgently to 20 other provinces, whilst over 9,000 accompanying family members were accommodated and more than 5,000 medical workers were sent to escort the injured on the way to hospital. These efforts enabled the timely and effective rescue and treatment of the injured.

In 2009, there was a global outbreak of type A H1N1 influenza. The Chinese Government perfected the monitoring network for influenza-like cases and put type A influenza under the prevention and control measures of category B infectious diseases as stipulated in the Prevention and Treatment of Infectious Diseases Act. The disease was also included as one of the quarantined infectious diseases stipulated under the Border Health Quarantine Act. These measures effectively delayed the import and dissemination of the disease, and slowed the rapidity of its circulation. In 2009, production of type A influenza vaccines formally began, making China the first country in the world to complete research and development, and to register and use the vaccine. Vaccination was done according to the principle of being “informed, voluntary and free”. By 10 January 2010, a total of 57.39 million people in China had been vaccinated.

## 8. Further enhancement of international health cooperation

The Chinese Government actively engages in all-round, multi-tiered and broad-ranging international health cooperation and exchanges. It works to obtain free multilateral and bilateral assistance and grants and preferential loans from international financial institutions and foreign governments. It sets up new projects to obtain funding and opportunities for poverty alleviation through health, health work for ethnic minorities and regional health planning. At the same time, the Chinese Government actively participates in the global health development process, supports the work of the World Health Organization, the Joint United Nations Programme on HIV/AIDS, and the Global Fund to Fight AIDS, Tuberculosis and Malaria, and promotes South-South cooperation. Since 2002, China has dispatched medical assistance teams to 48 countries and regions in Asia, Africa, Latin America, Europe and Oceania a total of 4,800 person-times, treating patients a total of 50 million times. At present, China has 50 medical teams in 48 Asian, African and Latin American countries, with a total of 1,252 people working at 120 medical stations. Of the total, there are 42 teams in 41 African countries, with about 1,000 people working in Africa. China will continue to vigorously support health development in developing countries.

## 9. Responses to related recommendations in the concluding observations

### (1) Prevention of the spread of HIV/AIDS (paragraph 60)

The central financial administration's spending on the prevention and treatment of HIV/AIDS has been increasing year by year and local governments have also increased their inputs by large margins. In the last five years, China has actively adopted measures to enhance prevention and control of HIV/AIDS and to protect the rights and interests of people infected with HIV and AIDS patients. Monitoring of the epidemic has been strengthened and reporting has been strict. The policy of "four exemptions and one care" has been fully rolled out. The use of condoms has been vigorously promoted and interventions such as community drug maintenance treatment and clean syringe exchange have been taken. Model areas of comprehensive HIV/AIDS prevention and treatment have been set up to explore HIV/AIDS prevention and treatment mechanisms and models that are tailored to the situations of different places. Both basic and applied research has been carried out. International cooperation and exchanges have been developed further, and social groups and non-governmental organizations are playing an increasingly greater role in the prevention and treatment of HIV/AIDS. By 31 October 2009, there were 319,877 accumulated reported cases of HIV/AIDS, of which 102,323 were AIDS patients; 49,845 deaths were reported. It is estimated that by the end of 2009, there were about 740,000 AIDS patients and people living with HIV.

### (2) Prevention and treatment of mental illnesses (paragraph 64)

According to the Opinions on the Further Reform of the Medical and Health System put forward by the State in March 2009, the Chinese Government plans to spend three years and invest more than RMB 10 billion to renovate and expand more than 500 medical institutions for mental illness, and to set up counselling hotlines in 16 cities to provide convenient and timely mental health education, counselling and psychological crisis intervention services.

The suicide rate, especially that for women, has gone down dramatically. According to China's Third Report on the Retrospective Sample Investigation of the Causes of Death, published in October 2008, the overall suicide rate of Chinese citizens was 13.09 per 100,000 (12.29 per 100,000 for women, and 13.85 per 100,000 for men), which is a

moderate level globally. At the same time, the Ministry of Health's monitoring data on deaths of residents demonstrates that, since 1991, the overall suicide rate of urban and rural residents dropped by 33.9 percentage points (see Figure 17), whilst the rate for rural women dropped by 48.3 percentage points. After 2000, the suicide rates of women in both urban and rural areas have all been lower than those of men, a considerable improvement from the situation in the early 1990s when suicide rate among rural women was higher than that among men.

## 10. Difficulties and challenges

In regard to maternal and child healthcare, obstetric services and emergency rescue capacity in rural and remote areas remain weak. In terms of the prevention and treatment of hepatitis B, it continues to be difficult to raise the follow-through rate of vaccination for newborn babies rapidly and on a large scale in the western region, remote rural areas and locations with a large concentration of migrant population. In terms of the prevention and treatment of HIV/AIDS, involvement of HIV/AIDS affected groups in prevention and treatment is not very high. There still remains discrimination against AIDS patients and people living with HIV, dampening their willingness to receive prevention and treatment services.

To tackle these problems, China will put more<sup>1</sup> efforts into maternal and child healthcare and work persistently to achieve new development goals. The Ministry of Health will adopt integrated measures such as promoting hospital births, enhancing vaccination for hepatitis B and stepping up public education, in order to curb the high circulation of hepatitis B. With regard to the prevention and treatment of HIV/AIDS, it will enhance the level of public education to improve the awareness rate of the general public in regard to knowledge of prevention and treatment of HIV/AIDS, thus reducing discrimination and creating a favourable environment for the prevention and treatment of HIV/AIDS.

## 11. Articles 13 and 14

### The right to education

#### Article 13

1. The States parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

#### Article 14

Each State party to the present Covenant which, at the time of becoming a party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes,

**within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.**

## **1. The State's legal guarantee of the right to education, and policy plans on education reform**

The right to education is a basic right of citizens stipulated in China's Constitution. At present, China has already put in place a legal system comprising laws and regulations, including the Education Act, which is the core of the system, and other laws including the Compulsory Education Act, Vocational Education Act, Higher Education Act and the Teachers Act. These laws define the academic systems, the basic institutions, the schools, and the rights and obligations of teachers and students in the Chinese education system. Thus, citizens' right to education is ensured by legislation. Relevant laws and regulations have been elaborated in the initial report and therefore will not be repeated unnecessarily here.

In 2008, the Chinese Government began the formulation of the National Outline for Medium and Long-term Education Reform and Development (2010-2020), which proposed the master plan and specific tasks for education reform and development till 2020. The process took two years, during which in-depth investigation and research was carried out, experts and scholars held assessment workshops and the draft outline was publicized for comments from the general public. On 15 April and 5 May, 2010, the National Leading Group on Science and Technology and the executive session of the State Council respectively considered and adopted in principle the draft outline submitted for consideration. The Outline is expected to be promulgated soon. The Outline proposes: realization of a higher level of general education, equal education that benefits the whole population, provision of richer high-quality education, construction of a comprehensive system of lifelong education, and the development of a sound and dynamic education system.

To tackle the current key contradictions and prominent issues of education in China, the Outline proposes the guiding principle of "development first, nurturing people as the basic task, reform and innovation, promotion of equity and improvement of quality". "Nurturing people as the basic task" forms the core, whilst "promotion of equity" and "improvement of quality" are the work priorities, and "development first" and "reform and innovation" ensure development of education.

The Outline designed eight development tasks, i.e. preschool education, compulsory education, senior high school education, vocational education, higher education, continuous education, ethnic minority education and special education; and six reform tasks, i.e. reform of the human resources development system, examinations and enrolment system, school system, school operation system, and management system, and expansion of the opening of education; and six tasks for ensuring educational development, i.e. enhancing institutions and leadership, enhancing the building up of teaching capacity, ensuring input of funds, accelerating the informatization of education, promoting education governance by law, and implementing major projects and carrying out reform trials.

The Outline clearly proposes that by 2012 the state fiscal budget for education expenditure will be raised to 4 per cent of gross domestic product (GDP). Since the 4 per cent target was proposed in the 1990s, the State has continuously increased its investment in education. From 2004 to 2008, China's fiscal expenditure on education increased from RMB 446.6 billion to RMB 1,045 billion, registering an annual growth rate of 23.7 per cent. The education expenditure as a percentage of GDP has also been growing steadily

each year, reaching the level of 2.79 per cent, 2.82 per cent, 3 per cent, 3.32 per cent and 3.48 per cent respectively. In 2009, China's fiscal revenues accounted for 20.4 per cent of GDP, which is about 10 per cent lower than the world average. It is difficult to increase fiscal revenues as a percentage of GDP in a short time and there are many key projects that demand secure fiscal financing because China is at a crucial stage of its economic and social development. In light of this situation, the 4 per cent target is challenging and requires the assiduous efforts of governments at all levels.

## 2. The situation of the various stages of education

Since 2003, education has continued to develop in a sound and coordinated manner. In 2009, there were 552,400 schools of various types and levels in China, of which 322,000 were primary education schools, 88,000 were secondary schools (including secondary vocational schools), and 2,689 were institutions for higher education. In addition, there were 140,000 kindergartens and special education schools, distributed through urban and rural areas nationwide, with 260 million pupils and 13.962 million full-time teachers. Average years of education for citizens reached 8.7 years and the average years of education for new members of the labour force reached 12.4 years. According to statistics, by the end of 2007, the number of people having had secondary and two-year college education reached more than 70 million, accounting for 6.2 per cent of the total population.

The Chinese Government has always been committed to the extension of nine-year compulsory education. In 2006, China completed a comprehensive revision of the Compulsory Education Act adopted in 1986, further clarifying that compulsory education is a public interest that the State must guarantee and is provided free of tuition charges and sundry expenses. Beginning from 2006, the State gradually exempted tuition and expenses for compulsory education first in the rural and later in the urban areas, realizing free compulsory education nationwide, and benefiting 150 million students. This is an important advance in respect of guaranteeing the right to education in China. The State also provided free textbooks to students at the compulsory education stage and allowances for students at boarding schools who were from families with financial difficulties. By the end of 2009, more than 10 million such boarding school students from families with financial difficulties had benefited from such allowances. By 2007, the coverage of nine-year compulsory education had reached 99 per cent of the eligible population, ushering in a new stage of development in compulsory education.

In 2009, the primary school net intake rate of school age children increased from 99.05 per cent to 99.40 per cent (the enrolment rate for boys increased from 99.08 per cent to 99.36 per cent; that for girls, from 99.01 per cent to 99.44 per cent). The gross intake rate in junior high schools was 99 per cent. There has been tremendous progress in adult literacy, with the illiteracy rate of young and mature adults decreasing from 4.8 per cent in 2004 to below 3.58 per cent in 2007.

In 2009, the national gross enrolment rate for senior high schools reached 79.2 per cent, an increase of 36.4 percentage points on 2002. The State continues to accelerate the reform and development of secondary vocational education. In 2009, secondary vocational education accounted for half of overall senior high school education, with 21.95 million students at school. The employment rate of graduates from secondary vocational schools reached more than 96 per cent. The State trained urban and rural workers more than 150 million times through various forms of vocational training activities.

The State has set up and improved the national student aid system for secondary vocational schools. Beginning from the autumn term in 2007, first- and second-year rural students and students from urban families in economic difficulty who are registered full-time students pursuing their education in secondary vocational schools have been

eligible for financial aid at the level of RMB 1,500 per person per year. By 2009, the State had spent more than RMB 40 billion in student aid for secondary vocational schools, of which the allocation from the central financial administration amounted to RMB 24 billion, assisting more than 12 million people annually, representing nearly 90 per cent of the first- and second-year students of all secondary vocational schools. In 2009, the Chinese Government decided to gradually roll out free secondary vocational education. Starting from the autumn term of 2009, the first initiative was taken, exempting the tuition of students from families with economic difficulties and students majoring in agriculture-related subjects.

The gross enrolment rate for higher education rose from 15 per cent in 2002 to 24.2 per cent in 2009. Students in higher education increased from 13 million in 2001 to 29.79 million in 2009. The State set up the national scholarship scheme, making awards to 50,000 outstanding students each year, constituting around 3 per cent of the student population. It also set up a national student aid scheme, assisting students of families with financial difficulties at the level of RMB 2,000 per person per year, covering around 20 per cent of the total student population. The State has also further improved the national student loan system, issuing RMB 8.7 billion in new loans to an additional 1,021,000 students in 2009. A policy system for assisting students from families with financial difficulties that integrates awards, loans, aid, allowances and reductions has basically taken shape at the higher education stage.

### 3. Enhancing teaching staff

In order to improve education quality, the Chinese Government has continually enhanced the development of teaching staff and improved the remuneration and social status of teachers, on the basis of laws and regulations such as the Teachers Act and the Regulations on the Qualifications of Teachers. In 2009, the number of full-time teaching staff in China grew to reach 13.98 million people for education at all levels and of all types. There has been considerable improvement both in terms of the academic degrees and teaching quality of teachers. From 2003 to 2007, the State organized a round of all-staff training for primary and secondary school teachers, raising the standard of more than 8 million teachers in the compulsory education sector and 800,000 senior high school teachers in regard to the implementation of education to build the general quality of students. Starting from 2008, a new round of all-staff training of primary and secondary school teachers was launched and is still in progress at present. The central financial administration allocated funds to support the implementation of plans to improve teacher quality in secondary vocational schools and to promote a “dual teacher mode” of teaching staff (i.e. the teachers should be able to teach not only theory, but also practice; and in the teaching staff, there should be both full-time teachers, but also part-time teachers who come from the front line of production and service enterprises). In order to give more importance to and enhance normal education and to train and turn out large numbers of excellent teachers, the Chinese Government decided that from the autumn of 2007, all students training to be teachers in normal universities under the direct administration of the Ministry of Education would enjoy free education. In 2009, the Chinese Government decided to implement a performance-linked remuneration system for teachers of compulsory education, to improve the income of 10.51 million primary and secondary school teachers. The central financial administration allocated RMB 12 billion for this purpose.

In recent years, the State has implemented the Programme of Special Teaching Positions for Compulsory Education in Rural Areas, which included the following measures: open recruitment of senior high school graduates to be teachers in compulsory education schools in rural and remote areas; vigorous promotion of urban teachers giving assistance to rural education; establishment of educational assistance counterparts between

the economically developed areas in the eastern region and the western region; implementation of the Teacher Training Programme at the Level of MA in Education for Rural Schools; training outstanding teaching staff for rural schools at or below the county town level; and implementation of the national-level training programme of rural teachers in the central and western regions, with a focus on primary and secondary schools, in order to improve the competence of teaching staff. As a result of the concerted efforts of the Central Government and local governments, there are enough rural teachers to meet the needs of teaching and the overall quality of teaching staff has also improved.

#### 4. Ensuring the right to education of special groups

With the rapid urbanization process of China, many rural inhabitants have moved into the cities for employment. The education of their children has become an acute issue in the development of education. The Chinese Government has attached a high level of importance to this issue and promulgated a series of laws, regulations and policies to ensure the right to compulsory education of the children of rural migrant workers. The central financial administration subsidizes recipient localities of rural migrant workers where there are relatively large numbers of children moving into the cities with their parents. All places have adopted a clear guiding principle of “governments of recipient localities taking the main management responsibility and public primary and secondary schools taking the main educational responsibility”, and have actively facilitated equal opportunities of compulsory education for children of rural migrant workers.

In recent years, the Chinese Government has adopted a series of measures to promote compulsory education in rural areas. First, special funds have been allocated to improve school conditions in rural areas, in the following ways. Starting from 2003, a modern distance education network for rural primary and secondary schools has been set up, covering 360,000 such schools, and benefiting more than 100 million rural primary and secondary school pupils in sharing high quality educational resources. From 2004 to 2007, the “two basics project” (basic realization of nine-year compulsory education for all school-age children, and basic eradication of illiteracy among young and mature adults) was implemented in the western region to tackle these two very difficult issues. More than 8,000 rural boarding schools were constructed, renovated or expanded. The primary and secondary school facility safety project was initiated in 2009, bringing those facilities up to the earthquake resistance standards for key protected facilities. Second, rural compulsory education has become fully covered by guaranteed funding from the State treasury. At the end of 2005, the State Council decided to set up a new mechanism for guaranteeing funding for rural compulsory education, with the Central Government and local governments sharing projects and funding proportionally. Institutional and policy efforts were made to promote the local governments’ work in reducing the education gap between the regions. Education authorities at all levels were asked to formulate objectives, implementation plans and policy measures to promote the balanced development of compulsory education in their regions. All local governments have already undertaken a considerable amount of work in their respective regions.

The Chinese Government ensures the right to education of ethnic minorities and has vigorously promoted education in ethnic minority regions. The central financial administration has continually increased fiscal input into ethnic minority education. At the beginning of the 1990s, the State set up the special fund for subsidizing ethnic minority education, to support acceleration of the development of education in ethnic minority areas. In recent years, the State has implemented the project for compulsory education in impoverished areas, the project for the renovation of dangerous school facilities of rural primary and secondary schools and the “two basics” project in the western region. The central financial administration allocated a total of nearly RMB 30 billion and greatly

improved the school conditions of ethnic minority areas. The number of ethnic minority counties that have achieved nine-year compulsory education for all eligible children increased from 405 in 2003 to 685 in 2009, representing 94.7 per cent of all ethnic minority counties. Ethnic minority colleges, universities and ethnic studies have also developed to promote higher education. By the end of 2009, there were a total of 15 ethnic minority colleges and universities, with a student population of more than 200,000. Key research bases, including the China Ethnic Minority Research Centre at Minzu University, have been set up. Starting from 2001, a counterpart university mechanism was set up, with 64 universities providing assistance and 38 receiving it, covering all the ethnic minority regions. By the end of 2009, ethnic minority regions had all established a comprehensive education system from pre-school to higher education, improving the number of years of education of the ethnic minority population. The average years of education for 14 ethnic minority nationalities, including Korean, Manchu, Mongolian, Kazakh and Xibo, exceed the national average. By the end of 2009, there were 1,135,500 full-time ethnic minority teachers and 22,800,200 ethnic minority students at all levels and all types of schools nationwide. By category, there were 1,410,500 university and two-year college students, 6,799,400 secondary school students, and 10,591,200 primary school students, accounting for 6.58 per cent, 8.64 per cent and 10.52 per cent of the total respectively.

China attaches great importance to the compulsory education of children with disabilities and has continued to improve the compulsory education system for such children, with special education classes, placement in normal classes and special education schools being the main approaches and institutional arrangements employed. To ensure the right to education of children with disabilities, the Compulsory Education Act, which was last revised in 2006, makes clear stipulations on the promotion of the development of special education. It stipulates, for example, that local governments at county and higher levels are responsible for the setting up of special education schools (classes). Normal schools should accept children with disabilities who have the ability to receive normal education and place them in normal classes for learning, as well as providing assistance in their studies and rehabilitation. Per capita general expenses for special education schools (classes) should be set at a higher level than that for normal schools. In 2009, the State Council distributed the Opinions on Further Accelerating Special Education, a document drafted by eight departments, including the Ministry of Education, the Ministry of Finance and the China Disabled Persons Federation, which expanded the scope of education for people with disabilities and required that efforts be made to adopt various ways and means to provide compulsory education for autistic children and children suffering from cerebral palsy or other serious disabilities. It also clearly proposed acceleration of special education development, especially in regard to vocational training-focused senior high school education and special higher education for people with disabilities. To tackle the weak links in special education, a series of policy measures were proposed to improve the funding guarantee mechanism for special education, enhance teaching staff, improve the quality of learning in cases of placement in normal classes, and eliminate illiteracy among young and mature adults with disabilities through various means. The Ministry of Education and the National Development and Reform Commission are currently building, renovating and expanding 1,160 special education schools in the central and western regions, considerably improving school conditions. Students with disabilities in compulsory education and secondary vocational training generally enjoy the benefits of the “two exceptions and one subsidy” policy and education aid from the State. University students with disabilities from families with financial difficulties enjoy corresponding assistance as well. In 2009, there were 1,672 special education schools nationwide, with a teaching staff of 47,000 people, of which 38,000 were full-time teachers, and 428,000 pupils. In addition, there are a large number of children with low-level disabilities who are placed in normal schools for education. Universities enrolled a total of 31,780 students with disabilities who took entrance exams.

## 5. Non-government operated school development and the freedom to choose schools

While making vigorous efforts to develop public schools, the Chinese Government pays considerable attention to attracting a whole variety of resources in society to jointly open educational institutions in a common effort to promote education in China. In 2002, the National People's Congress passed the Private Education Promotion Act, which clearly stipulated the guiding principles of encouragement, vigorous support, correct guidance and administration in accordance with the law. In 2009, there were more than 100,000 private schools of all levels and kinds nationwide, with a student population of 30,654,000, accounting for 19.3 per cent of schools and 11.8 per cent of students nationwide.

In China, parents and legal guardians can freely select for their children any non-public schools that meet State education standards. Children in such schools can receive education in morality and ethics.

China's Constitution provides that citizens enjoy freedom of religion and beliefs, which includes the freedom to believe or not to believe in religion and the freedom of belief in different religions. China has never prohibited parents and guardians from imparting religious knowledge to minors or from taking them to participate in religious activities. At the same time, China practices the principle of separating religion and education. The Constitution stipulates that religion shall not be used to obstruct implementation of the State education system. Therefore, there is no religious education in China's national education system. Children in particular should not suffer any interference in receiving normal compulsory education at school because of religious studies.

## 6. Difficulties and challenges

At present, China's education effort is faced with both rare opportunities and grave challenges. There are many difficulties and problems, which are mainly the following. First, the level of educational development has yet to meet the demand for education of large numbers of citizens. Second, educational development is uncoordinated between the rural and urban areas and within regions. Third, there is insufficient input into public education and the overall shortage of resources for education remains serious. In the coming future, the Chinese Government will continue to enforce the Education Act, implement the National Outline for Medium and Long-term Education Reform and Development (2010-2020), and increase its input into education.

## 7. Responses to related recommendations in the concluding observations

The above sections have separately responded to the recommendations raised in paragraph 66 of the Committee's concluding observations regarding free compulsory education and education for special groups.

## 8. Further expanding international cooperation and exchange in education

By the end of 2009, China had established educational cooperation and exchange ties with 190 countries and regions and international organizations including UNESCO. China also signed mutual recognition agreements on academic credentials and degrees with 35 countries and regions. The Chinese Government has consistently supported citizens in

going to study abroad. In 2009, the number of people studying abroad reached 229,300, an increase of 27.5 per cent on the previous year.

In the 60 years since the founding of new China, China has received overseas students coming to China to study a total of 1.69 million person-times. In 2009, there were 238,184 overseas students in China, coming from 190 countries and regions, an increase of 6.57 per cent on the previous year. The total number of overseas students, the number of students' home countries and regions, the number of institutions receiving overseas students and the number of people receiving Chinese government scholarships have all hit a record high since the founding of new China.

## 12. Article 15

### The right to cultural life and the benefits of science

1. The States parties to the present Covenant recognize the right of everyone:

- (a) To take part in cultural life;
- (b) To enjoy the benefits of scientific progress and its applications;

(c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and cooperation in the scientific and cultural fields.

#### 1. The Right to cultural life

##### (1) Developing public cultural services

In recent years, the Chinese Government has proposed the target of accelerating construction of a public cultural services system that covers the whole society, and has adopted a series of relevant policies and measures.

In June 2003, the State Council promulgated the Regulations on Public Cultural and Sports Facilities, which established a basic system to promote the development of libraries, museums, cultural centres (stations), art galleries and other public cultural facilities, in respect of such aspects as planning, construction, expenditure, service and administration. The State Council is currently considering the Regulations on the Administration of Museums. In 2009, the Ministry of Culture formulated the “Implementation Plan for the Construction of a Basic-level Public Cultural Services System (2009-2013)” and other such regulatory documents, and rolled out the “Measures for the Administration of General Township Cultural Stations”, which clarified the nature, functions, duties and protection measures of non-profit cultural undertakings of general township cultural stations. The Ministry is currently conducting preparatory research for legislation on public libraries.

From 2003 to 2008, total expenditure on cultural undertakings in China amounted to RMB 94,651,000,000, with an average annual increase of 21.41 per cent; investments in artistic performance groups by financial administrations at different levels totalled RMB 23,909,000,000, with an average annual increase of 16.3 per cent; investments in public libraries totalled RMB 19,138,000,000, with an average annual increase of 18.4 per cent; funds allocated to public cultural undertakings totalled RMB 19.81 billion, with an annual average increase of 22.67 per cent.

From 2003 to 2008, investments in the basic construction and completion of public cultural facilities amounted to RMB 21,426,000,000, which contributed to the establishment and enlargement of a large number of cultural facilities including libraries, museums, cultural centres, cinemas and concert halls. From 2007 to 2010, the State

invested 3,948,000,000 RMB to subsidize the construction of 24,200 township cultural stations, and will basically achieve the goal of having “a cultural station in every township” by the end of 2010. Since 2008, necessary equipment has been provided by the State to established township cultural stations, with an allocation of RMB 259 million of funding in 2008 and RMB 483 million in 2009. Up till now, a total of 10,871 township cultural stations in the central and western regions have been properly equipped, representing 26.63 per cent of the total number of townships in China.

Beginning in 2004, a variety of state-owned museums, memorial halls, art galleries and other public cultural facilities at all levels have gradually introduced free or preferential admission systems to enable more people to have access to public cultural facilities. By the end of 2008, 1,007 museums and memorial halls nationwide had successively started to offer free admission, and had attracted over 154 million visits.

The State has planned to allocate a total amount of RMB 2,476,000,000 between 2007 and 2010 to establish a resource-rich digital cultural services system covering urban and rural communities alike that endeavours to make “every village connected”. The system is centred on digital resource construction and employs multiple measures to disseminate cultural information. Between 2007 and 2009, funding of 2,071,000,000 was arranged by the central financial administration.

## **(2) Promoting and regulating cultural markets**

The Chinese Government has made continual efforts to promote various types of cultural market, including performances, audio-visual products, artworks and entertainment. In 2008, there were 275,668 book titles, 9,549 periodicals, 11,721 audio products and 11,772 video products published nationwide. At present, China has over 2,600 radio and television stations. The coverage of radio and television broadcasting has reached 96.3 per cent and 97.2 per cent respectively. By the end of 2009, 28.9 per cent of the population had Internet access in China, exceeding the world average.

In 2009, the State Council promulgated the Plan on Reinvigoration of the Cultural Industry, which placed emphasis on developing a number of major parks, industries, projects and exhibitions. At the same time, the Chinese Government has continually taken measures to perfect the construction of the legal system for cultural markets and to regulate administrative law enforcement in them, in order to institutionally guarantee the fair and healthy development of cultural markets and protect people’s cultural rights and interests from being harmed in the circulation of cultural products. The State Council twice amended the Regulations on the Administration of Commercial Performances, in 2005 and 2008, and completed the revision of the Regulations on the Administration of Entertainment Venues in 2006. It is currently undertaking the legislative work for the Regulations on the Administration of Art Markets.

At present, the value of the majority of cultural products is realized through the free market and equal exchange. Cultural markets have become the major channel by which cultural products are supplied to the general public to satisfy their cultural demands. At present, in China, fields such as entertainment, performances, audio-visual products, cultural relics and artworks, Internet culture, animation and video games have basically been opened up completely to non-public capital, and opened up to an appropriate degree to foreign investment also. By the end of 2008, there were 1,305 performance agencies, 84,356 cultural and entertainment venues, 1,697 art dealerships, 74,369 bodies involved in wholesaling, retail and rental of audio-visual products, as well as 130,000 Internet cafes registered in the cultural system of the State. Artistic performance groups of cultural departments had performed 420,000 productions nationwide. There were 71.19 million visitors to Internet cafes nationwide, representing 33.9 per cent of the total number of Internet users. Cultural markets have formed a comprehensive, multi-tiered and

multichannel supply structure, and a circulation network with high speed, wide coverage and a large volume of cultural products.

### **(3) Placing importance on the protection of cultural heritage**

China became a party to the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage in 2004, with a total number of 26 items inscribed on the Representative List of the Intangible Cultural Heritage of Humanity. In December 2005, the State Council issued the Circular on Strengthening Protection of Cultural Heritage, which established a basic system for the protection of intangible cultural heritage. The draft of the Protection of Intangible Cultural Heritage Act is currently under consideration. In December 2007, the Standing Committee of the National People's Congress again amended the Protection of Cultural Relics Act of the People's Republic of China. The amendment increased the duties and responsibilities of government in protecting cultural relics.

The central financial administration and regional financial administrations at all levels have provided great support to the protection of intangible cultural heritage. By July 2009, the central financial administration had totally allocated RMB 659 million of earmarked funding to subsidize the surveying, collecting and recording, protection, training, research, dissemination and publication of intangible cultural heritage, as well as the launching of activities by inheritors to pass on cultural traditions. According to incomplete statistics, between 2005 and 2009, investments made by provincial financial administrations amounted to RMB 1.13 billion. The increase in funding provided a strong guarantee for the development of relevant activities.

The nationwide survey of intangible cultural heritage that started in June 2005 provided a general picture of the types, amount, distribution, living environment, current protection and existent problems of intangible heritage; meticulous records were taken and preserved, and a number of valuable instances of intangible cultural heritage on the verge of extinction were rescued and protected. In 2006 and 2008, the State Council approved and announced the listing of a total of 1,028 national-level intangible cultural heritage items in two batches. Meanwhile, 4,315 items nationwide were evaluated and inscribed on provincial lists of intangible cultural heritage. Similar lists have also been compiled at municipal and county levels. The national listing system for intangible cultural heritage has thus basically been formed. In 2007, 2008 and 2009, the Ministry of Culture named and announced three batches comprising 1,488 representative inheritors of national-level intangible cultural heritage. Since 2008, the State has allocated funding at the rate of RMB 8,000 per person per year to encourage and subsidize their activities in passing on intangible cultural heritage. In 2006, the Chinese National Academy of Arts completed the compilation of *An Introduction to the Intangible Cultural Heritage*, the first comprehensive and systematic research monograph on intangible cultural heritage in China.

### **(4) Strengthening cultural construction for ethnic minorities**

The people of all ethnic groups in China have the freedom to use and develop their own spoken and written languages. Among the 55 ethnic minority groups in China, except Huis and Manchus, who use Chinese, the other 53 ethnic groups all have their own languages. Whether in national politics or social life, ethnic minority languages are widely used, in the judicial, administrative, educational and other such domains.

Ethnic minority groups in China have all developed unique and special forms of culture in the course of their long history. In China, ethnic minority cultures are well respected and protected, and all ethnic groups have the freedom to preserve and develop their own cultures. In order to protect the traditional cultural elements of ethnic minorities, the State has organized programmes for the collection, collation, translation and publication of the cultural heritage of such minorities, and for the protection of major ethnic minority

ancient sites, precious cultural objects and other relics of historical and cultural importance. At present, each of the 55 ethnic minority groups in China possesses a concise written history of its own. Special preferential policies have been implemented in regard to the construction of cultural facilities in areas inhabited by ethnic minorities and the training of literary and artistic personnel, their cultural exchange with the outside world, and the protection of cultural objects.

The great majority of ethnic minorities in China have religious beliefs. The Chinese Government pursues a policy of freedom of religious belief, and has consistently respected and protected citizens' right to freedom of religious belief, including citizens from ethnic minorities. China's Constitution and laws provide legal safeguards in this regard. For example, in Tibet, governments at all levels give equal treatment to every religion and denomination, and to people with or without religious belief. Religious activities of various types are protected in accordance with the law. The Central Government and the government of Tibet Autonomous Region have listed such renowned places of religious activity as the Potala Palace, Jokhang Temple, Drepung Monastery, Sakya Monastery and Sera Monastery as major cultural sites that are protected at national and regional levels. In the past 20 years, the State has invested more than RMB 700 million in total for the maintenance and renovation of over 1,400 temples, ancient sites and religious venues.

In order to promote cultural construction in ethnic minority regions, the Chinese Government has formulated the "Four Priorities Policy" for ethnic minority cultural development, which gives priority to the construction of cultural facilities, the training of literary and artistic personnel, cultural exchange with the outside world, and the protection of cultural heritage. Currently, there are 10,282 cultural institutions for ethnic minorities nationwide with 76,152 employees. These institutions include 651 artistic performance groups, 127 ethnic singing and dancing troupes, 191 performance venues, 163 cinemas, 604 libraries, 80 public art galleries, 643 cultural centres, 6,859 cultural stations and 240 museums.

The central financial administration has provided substantial support to cultural construction in ethnic minority areas through major cultural construction projects. With regard to the cultural sharing project, by the end of 2008, 34,357 grass-roots service points and centres at various levels had been constructed in eight minority regions including Xinjiang and Tibet. Meanwhile, from August 2006, a series of ethnic minority language translation projects were launched. In 2007 and 2008, for two consecutive years, a total of RMB 16 million was allocated for the translation of the Tibetan Ü-Tsang and Amdo languages, Mongolian, Uyghur, Kazakh and Korean. With regard to the project to send books to the countryside, from 2003 to 2008, the Ministry of Culture and the Ministry of Finance donated a total of 1.42 million volumes worth RMB 29.75 million to eight provincial regions in border areas including Inner Mongolia, Tibet and Xinjiang. Between 2006 and 2008, the central financial administration allocated RMB 2.94 million to Tibet and Xinjiang for purchasing books in ethnic languages. In regard to the mobile stage vehicles project, from 2006 to 2008, the Ministry of Culture provided a total of 174 mobile stage vehicles worth RMB 57.27 million to eight ethnic minority provinces. In 2009, the project of protecting major cultural sites in Tibet during the Eleventh Five-Year Plan was launched, with an investment of around RMB 570 million. In the same year, the Chinese Government launched an extensive ancient books preservation project in the Tibet Autonomous Region.

#### **(5) Placing importance on international cultural exchange and cooperation, promoting cultural dialogue and mutual understanding**

Chinese citizens enjoy extensive rights in regard to having contact with, understanding and appreciating the cultures of other countries and regions. By 2009, China

had signed inter-governmental accords on cultural cooperation with 145 countries and had signed agreements on nearly 800 annual cultural exchange programmes. The country maintained close cooperative relations with no fewer than 1,000 cultural organizations, established relations with 1,500 sister states and cities in 120 countries, and established friendly and cooperative relations with 458 non-governmental associations and organizations from 148 countries. In the past five years, an increasing number of international cultural events have been held in China, and there has been an unprecedented flourishing of international and multilateral cultural exchange.

China has consistently advocated the protection and promotion of international cultural diversity, and has actively initiated cooperation with UNESCO in this field. In December 2006, China ratified and acceded to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, and in June 2007 was elected as a member state of the Intergovernmental Committee on Cultural Diversity at the first session of the Conference of the States parties. From 2007 to 2009, as a member of the Intergovernmental Committee, China consistently took active part in the formulation of guidelines for the implementation of the Convention.

## 2. Rights concerning science and technology

After the promulgation and implementation of the Popularization of Science and Technology Act of the People's Republic of China in June 2002, the amended Science and Technology Progress Act of the People's Republic of China came into effect on 1 July 2008, clearly stating that "the State protects the freedom of scientific and technological research and development, encourages scientific exploration and technological innovation, and protects the legitimate rights and interests of science and technology personnel".

In July 2004, the Chinese Government formulated the "Outline for the Construction of a National Science and Technology Infrastructure Platform, 2004-2010". More than RMB 2 billion have been invested for the establishment of over 30 infrastructure platforms that provide an open service to society and that comprise six categories including research bases and large scientific instruments, nature and technology resources, scientific data, scientific documents, online technology environment, and knowledge transfer of research findings. The Science and Technology Progress Act, amended in July 2008, makes clear the Government's obligations in promoting information sharing and the duty of scientific resources management units to implement the open sharing of resources. In September 2009, the Chinese Government established the "Chinese Science and Technology Resources Portal", which integrated such key resources as 14,000 large scientific instruments (each worth over RMB 200,000), 8.67 million individual natural science and technology resources, over 35.5TB of scientific data, 215,000 titles of scientific books, and 17,000 periodicals in western languages, all available for open sharing in society.

In order to promote the development of industries such as new energy, energy conservation and environmental protection, the Chinese Government formulated the "Scientific Special Programme for Energy Saving and Emissions Reduction". Preliminary statistics show that since the launching of the Eleventh Five-Year Plan, the State has invested a total of RMB 13 billion on more than 350 projects for scientific research and development in regard to energy conservation and emissions reduction technology.

During the Eleventh Five-Year Plan, with the implementation of the Science and Technology Support Programme, investment in agriculture-related fields amounted to RMB 5.5 billion, more than a threefold increase on the figure for the Tenth Five-Year Plan. Over 7,700 institutions for technology promotion were established and 8,084 rural science and technology cooperative organizations were supported and developed; training was provided to farmers more than 69 million times.

Government investment is a basic safeguard to ensure the realization of people's basic right to scientific research (see Figure 18). In the past five years, the Chinese Government has continually increased its investment allocation to the National Natural Science Foundation of China (NSFC), from RMB 2.7 billion in 2005 to RMB 6.4 billion in 2009. Since the promulgation of the Regulations on National Awards for Science and Technology, the national awards system has been perfected and developed in the course of practice. Between 2000 and 2009, a total of 3,022 projects, 27,772 people and one international organization won National Awards for Science and Technology.

In 2006, the Chinese Government issued the "Outline of the Action Plan for Improving the Nation's Science Literacy (2006-2010-2020)" which laid out an overall plan for the popularization of science and technology. In 2008, there were a total of 1,761,000 people nationwide employed in popularizing science and technology, an increase of 8.47 per cent on 2006. In 2008, 1,017 education centres and institutions for the popularization of science and technology, each over 500 square metres in area, were built, an increase of 28.87 per cent on 2006; 3,888 scientific book titles were published nationwide, an increase of 22.96 per cent on 2006; 561 scientific periodicals amounting to 143 million copies in total were published, an increase of nearly 8 per cent on 2006. In the same year, 950,000 lectures for the popularization of science (or technology) were held nationwide, with an audience of 160 million, an increase of 8.06 per cent on 2006; 115,300 special exhibitions on science (or technology) were staged, attracting over 197 million visitors, an increase of 35.77 per cent on 2006; 46,900 science (or technology) competitions were held by various institutions, attracting 48,488,400 participants, an increase of 14.77 per cent on 2006.

In 2006, the China Association for Science and Technology (CAST) and the Ministry of Finance jointly initiated the "Programme for Benefiting Farmers and Revitalizing the Countryside by Means of the Popularization of Science". By means of rewarding and subsidizing outstanding units in the promotion of science and technology in the countryside, the programme aimed to promote the enhancement of scientific literacy among more farmers, develop their work skills, and increase their awareness and interest in learning about and utilizing science and technology. For the past four years, the central financial administration has allocated and transferred a total of RMB 450 million in funding payments.

The Science and Technology Progress Act provides that "the Chinese Government shall actively promote scientific and technological cooperation and exchanges with foreign governments and international organizations, and shall encourage scientific research and development agencies, institutions of higher learning, social organizations, scientific and technical personnel and business organizations to establish international cooperation, in accordance with the law". To date, the Chinese Government has established cooperative relations on science and technology with 152 countries, territories and international organizations, and has signed intergovernmental science and technology agreements with nearly 100 of these countries.

### **3. Protection of intellectual property rights**

China joined the WIPO Copyright Treaty (WCT) and WIPO Performances and Phonograms Treaty (WPPT) on 29 December 2006, and on 28 October 2007 approved and accepted the WTO Protocol Amending the TRIPS Agreement.

The State Council has issued a series of administrative regulations on copyright protection, including the Regulations on the Collective Administration of Copyright (2004), the Regulations on the Protection of the Right to Network Dissemination of Information (2006), and the Interim Measures for the Payment of Remuneration for Audio Products Played by Radio and TV Stations (2009). The second amendment of the Copyright Act

came into effect on 1 April 2010; this has improved and further perfected the copyright protection system.

In addition, the amended Patent Act came into effect on 1 October 2009, adding contents regarding raising innovative capacity and promoting social and economic development. The amended Guidelines on the Implementation of the Patent Act took effect on 1 February 2010; the amended Regulations on Customs Protection of Intellectual Property Rights came into effect on 1 April 2010.

In 2009, local intellectual property offices handled 937 cases of patent infringement disputes nationwide; administrations for industry and commerce at all levels investigated and dealt with 51,044 cases of trademark infringement, and 541 cases of Internet copyright infringement were recorded. Among them, 24 serious suspected criminal cases were transferred to judicial authority. In the same year, China customs took action to protect intellectual property a total of 67,051 times and detained 65,810 products suspected of violating intellectual property rights, an increase by a factor of 4.1 and 4.9 respectively compared to 2008.

In 2009, the number of civil cases concerning intellectual property rights continued to increase and the quality and efficiency of trials constantly improved. Local courts nationwide accepted 30,626 first trial cases involving intellectual property rights and concluded 30,509 of them, a respective increase of 25.49 per cent and 29.73 per cent on the previous year. A total of 3,660 criminal cases involving infringement of intellectual property rights were heard and concluded, giving effective verdicts to 5,836 people, of which 5,832 were guilty verdicts, an increase of 10.04 per cent, 8.31 per cent and 8.28 per cent respectively on the previous year.

On 5 June 2008, the State Council promulgated the Outline of the National Intellectual Property Strategy. The document outlines five strategic foci that include improving the intellectual property system, promoting the creation and utilization of intellectual property, strengthening the protection of intellectual property, preventing abuses of intellectual property and fostering a culture of intellectual property. The outline is currently being comprehensively implemented.

From the enactment of the Patent Act on 1 April 1985 until the end of 2009, a total of 4,898,273 domestic applications were accepted and examined, and 2,643,852 patents were granted in China (see Figure 19). Since 2002, the number of applications for the registration of trademarks in China has increased at the rate of almost 100,000 per year, ranking first in the world for eight consecutive years. Over 800,000 applications were filed in 2009.

#### 4. Responses to related recommendations in the concluding observations

##### Freedom of expression (paragraph 68)

Chinese citizens have the freedom of expression, including the right to criticize governments at all levels. Article 35 of the Constitution provides that citizens of the People's Republic of China enjoy freedom of speech and of the press. Article 41 provides that citizens have the right to criticize and make suggestions regarding any state organ or functionary. China has been actively promoting openness in government affairs, perfecting the news spokesman system and improving citizens' right to know and to supervise. There are currently more than 2,600 radio and television stations and over 2,000 newspapers in China. The Chinese Government has always encouraged openness of speech. Chinese citizens have full access to domestic and foreign information channels. Various topics are freely discussed in journals and magazines, and on the television, radio and the Internet. However, criminal actions in violation of the law, such as using academic research,

publications and the Internet to spread rumours, slander or other harmful information, inciting to subvert the Government or to overthrow the socialist system, inciting division of the country, harming national unification, inciting hatred or discrimination among ethnic groups or harming national unity will be punished in accordance with the law. The International Covenant on Civil and Political Rights likewise provides corresponding limitations on freedom of speech.

The Chinese Government actively promotes Internet development and encourages the use of the Internet. The Internet has played an important role in such aspects as politics, the economy, culture, and social life. China has an open Internet environment that enables vigorous speech online. In 2002, there were 59.1 million Internet users and 370,000 websites in China, and the international network bandwidth reached 9,380Mbps. By the end of 2009, the number of Internet users had increased to 384 million and the number of websites had grown to 3.23 million, among which there were 233 million mobile net users and over 200 million blogs; the international network bandwidth reached 866,367Mbps. In China, net citizens engage in information acquisition, online interaction and communication on various websites, Internet forums and blogs. They also actively participate in e-commerce and e-medical activities. The Chinese Government combines legal regulation of the Internet, industry self-regulation and public education and supervision, in order to raise people's capacity to take precautions against harmful information online, especially to protect young people from encountering harmful information.

## Annex 1

### **Member agencies of the inter-departmental working group for drafting of the report**

The Legislative Affairs Commission of the National People's Congress Standing Committee, Supreme People's Court, Ministry of Foreign Affairs, National Development and Reform Commission, Ministry of Education, Ministry of Science and Technology, Ministry of Industry and Information Technology, State Ethnic Affairs Commission, Ministry of Public Security, Ministry of Civil Affairs, Ministry of Justice, Ministry of Human Resources and Social Security, Ministry of Environmental Protection, Ministry of Housing and Urban-Rural Development, Ministry of Agriculture, Ministry of Commerce, Ministry of Culture, Ministry of Health, National Population and Family Planning Commission, State Administration of Work Safety, National Bureau of Statistics, State Intellectual Property Office, Hong Kong and Macao Affairs Office of the State Council, Legislative Affairs Office of the State Council, State Council Information Office, State Council Leading Group Office of Poverty Alleviation and Development.

### **Non-governmental organizations and academic research institutions consulted during the drafting of the report**

The Chinese Academy of Social Science, All-China Women's Federation, All-China Federation of Trade Unions, China Disabled Persons' Federation, China Society for Human Rights Studies, United Nations Association of China, China NGO Network for International Exchanges, Red Cross Society of China, China Family Planning Association, China Tibetology Network, China Care and Compassion Society, China Ethnic Minorities Association For External Exchanges, China Association of Women Entrepreneurs, China Glory Society, China Education Association for International Exchange, China Association for Preservation and Development of Tibetan Culture.

## Annex 2

### Figures 1-19

**Figure 1**  
**Participants in vocational training nationwide, 2005 to 2009**  
(Million person-times)

Year	<i>Participants in various types of training</i>	<i>Re-employment: Training</i>	<i>Entrepreneurship: Training</i>
2005	16.25	6.10	0.51
2006	19.05	6.45	0.63
2007	19.60	6.43	0.64
2008	20.53	6.00	0.81
First 3 quarters of 2009	20.00	3.40	0.79
<b>Total</b>	<b>95.43</b>	<b>28.38</b>	<b>3.38</b>

Source: Ministry of Human Resources and Social Security.

**Figure 2**  
**Information on the urban Minimum Subsistence Guarantee Scheme, 2002 to 2009**

Year	<i>Average minimum living standard (RMB)</i>	<i>Average per capita monthly allowance (RMB)</i>	<i>Beneficiaries (million)</i>
2002	-	52	20.647
2003	149	58	22.468
2004	152	65	22.050
2005	156	72.3	22.342
2006	169.6	83.6	22.401
2007	182.4	102.7	22.721
2008	205.3	143.7	23.348
2009	227.8	172	23.456

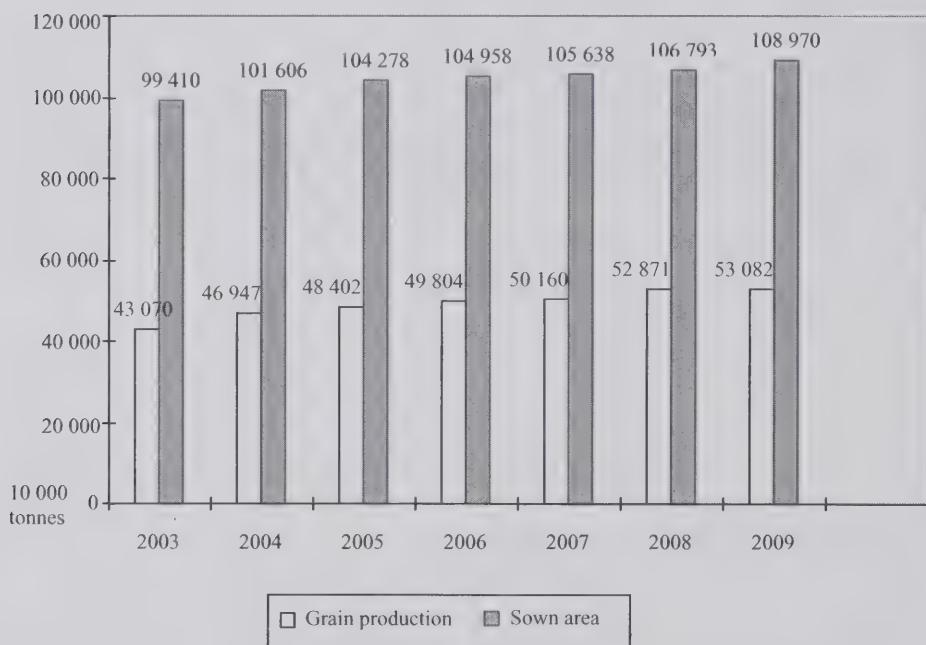
Source: Ministry of Human Resources and Social Security.

**Figure 3**  
**Rural poverty in China, 2003-2009**

Year	Poverty standard (RMB/person)	Impoverished population (million)	Poverty incidence rate (%)
2003	637	29.00	3.1
2004	668	26.10	2.8
2005	683	23.65	2.5
2006	693	21.48	2.3
2007	785	14.79	1.6
2008	1 196	40.07	4.2
2009	1 196	35.97	3.8

*Source:* Ministry of Agriculture (*Note:* Since 2008, China has raised the poverty standard, and low-income rural residents have been included in the rural impoverished population. The statistics previously collected only showed the population in absolute poverty, and did not include people with low income).

**Figure 4**  
**Grain production and sown area in China, 2003 to 2009**



*Source:* *China Statistical Abstract 2010*, edited by the National Bureau of Statistics of China, May 2010.

**Figure 5**  
**Per capita production of main agricultural products, 2003-2009**  
(Kilograms)

Year	Grain	Cotton	Oil	Pork/beef/lamb	Aquaculture products	Milk
2003	334	3.8	21.8	39.5	31.6	13.6
2004	362	4.9	23.7	40.4	32.8	17.4
2005	371	4.4	23.6	42.0	33.9	21.1
2006	380	5.7	20.1	42.7	35.0	24.4
2007	381	5.8	19.5	40.1	36.0	26.7
2008	399	5.7	22.3	42.4	37.0	26.8
2009	399	4.8	23.7	44.4	38.5	26.4

Source: *China Statistical Abstract 2010*, edited by the National Bureau of Statistics of China, May 2010.

**Figure 6**  
**Changes in living standards of urban residents**

Year	Disposable income (RMB)	Engels coefficient (%)	Food consumption (Kgs/person)				
			Grain	Meat (pork/beef/lamb)	Poultry	Aquatic products	Vegetables
2003	8 472.2	37.1	79.5	23.7	9.2	13.4	118.3
2004	9 421.6	37.7	78.2	22.9	6.4	12.5	122.3
2005	10 493.0	36.7	77.0	23.9	9.0	12.6	118.6
2006	11 759.5	35.8	75.9	23.8	8.3	13.0	117.6
2007	13 785.8	36.3	77.6	22.1	9.7	14.2	117.8
2008	15 780.8	37.9		22.7	8.0		123.2
2009	17 174.7	36.5	81.3	24.2	10.5		120.5

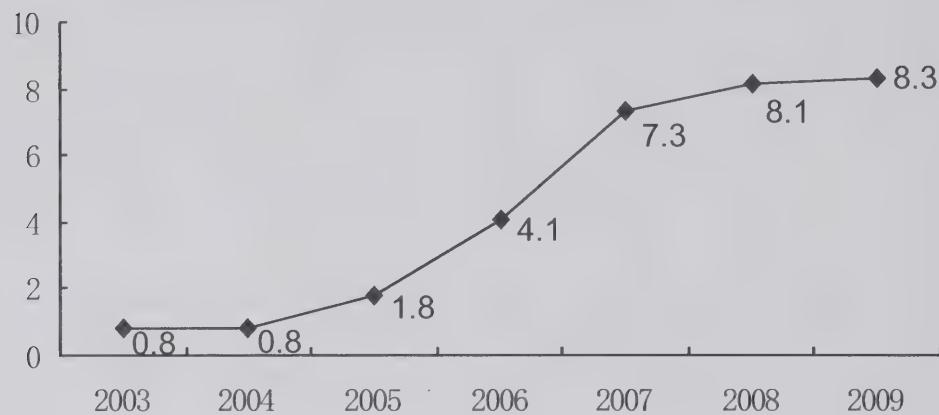
Source: *China Statistical Abstract 2010*, edited by the National Bureau of Statistics of China, May 2010.

**Figure 7**  
**Income and food consumption of rural residents**

Year	Net income per capita (RMB)	Engels coefficient of rural households (%)	Food consumption (Kgs/person)				
			Grain	Oil	Vegetables	Meat and poultry products	Eggs
2003	2 622.2	45.6	222.4	6.3	107.4	19.7	4.8
2004	2 936.4	47.2	218.3	5.3	106.6	19.2	4.6
2005	3 254.9	45.5	208.9	6.0	102.3	22.4	4.7
2006	3 587.0	43.0	205.6	5.8	100.5	22.3	5.0
2007	4 140.4	43.1	199.5	6.0	99.0	20.5	4.7
2008	4 760.6	43.7	199.1	6.2	99.7	20.2	5.4
2009	5 153.2	41.0	189.3	6.3	98.4		5.3

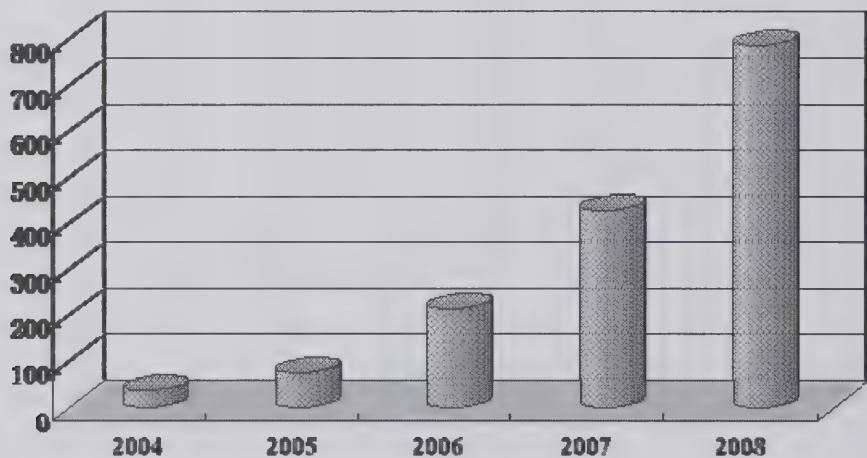
Source: *China Statistical Abstract 2010*, edited by the National Bureau of Statistics of China, May 2010.

Figure 8  
**Participants in the New Rural Cooperative Medical Scheme, 2003-2009**  
(100 million)



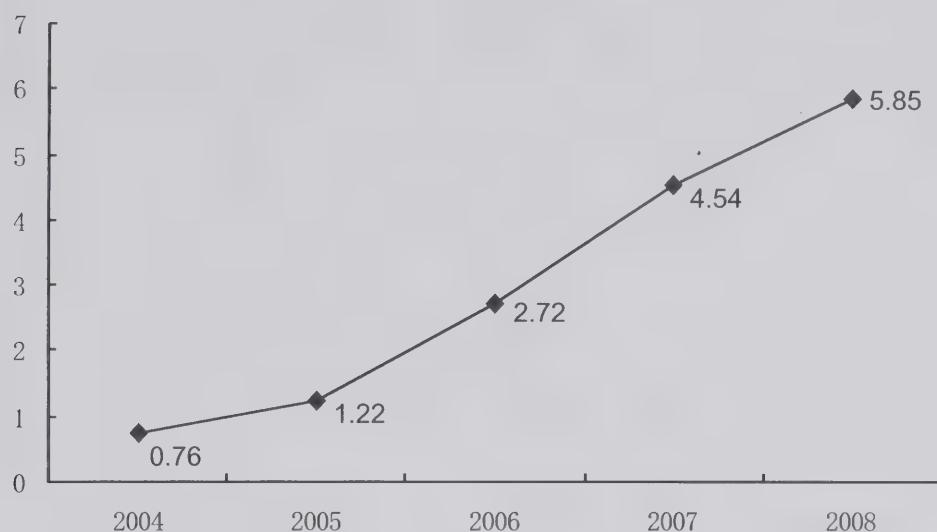
Source: Ministry of Health.

Figure 9  
**Total funding of the New Rural Cooperative Medical Scheme, 2004-2008**  
(100 million RMB)



Source: Ministry of Health.

Figure 10  
**Beneficiaries of the New Rural Cooperative Medical Scheme, 2004-2008**  
(100 million person-times)



Source: Ministry of Health.

Figure 11  
**Structure of health expenditure in China, 2000-2008**

Year	Total expenditure on health (CTEH) Billion RMB	Government health expenditure		Social health expenditure		Personal health expenditure by individuals	
		Billion RMB	Percentage of CTEH	Billion RMB	Percentage of CTEH	Billion RMB	Percentage of CTEH
2000	458.663	70.952	15.47	117.194	25.55	270.517	58.98
2001	502.593	80.061	15.93	121.143	24.10	301.388	59.97
2002	579.003	90.851	15.69	153.938	26.59	334.214	57.72
2003	658.410	111.694	16.96	178.850	27.16	367.867	55.87
2004	759.029	129.358	17.04	222.535	29.32	407.135	53.64
2005	865.991	155.253	17.93	258.641	29.87	452.098	52.21
2006	984.334	177.886	18.07	321.092	32.62	485.356	49.31
2007	1 157.397	258.158	22.31	389.372	33.64	509.866	44.05
2008	1 453.540	359.394	24.73	506.560	34.85	587.586	40.42

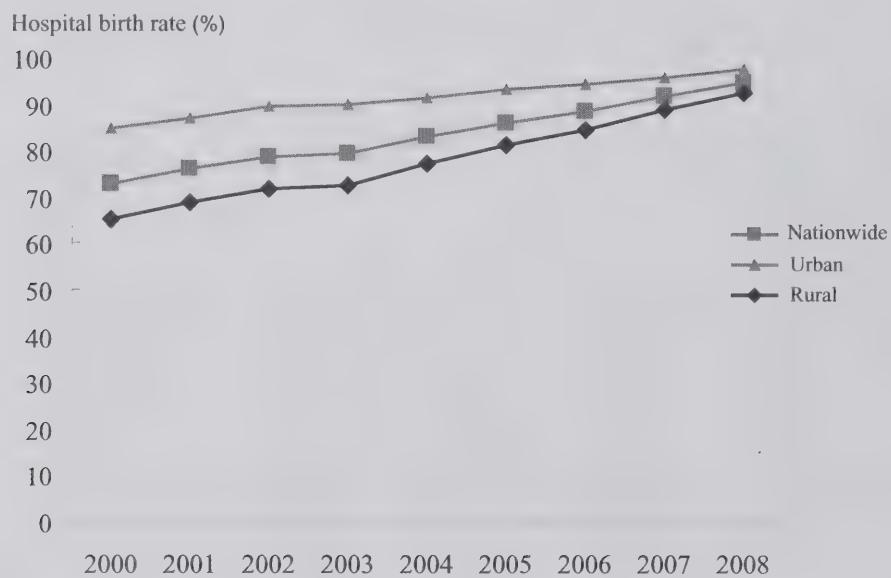
Source: Ministry of Health.

**Figure 12**  
**Hospital birth rates, 2000-2008**  
(Percentage)

Year	Nationwide	Urban	Rural
2000	72.9	84.9	65.2
2001	76.0	87.0	68.9
2002	78.8	89.4	71.6
2003	79.4	89.9	72.6
2004	82.8	91.4	77.1
2005	85.9	93.2	81.0
2006	88.4	94.1	84.6
2007	91.6	95.8	88.8
2008	94.5	97.4	92.3

*Source:* Ministry of Health.

**Figure 13**  
**Trends in hospital birth rates, 2000-2008**



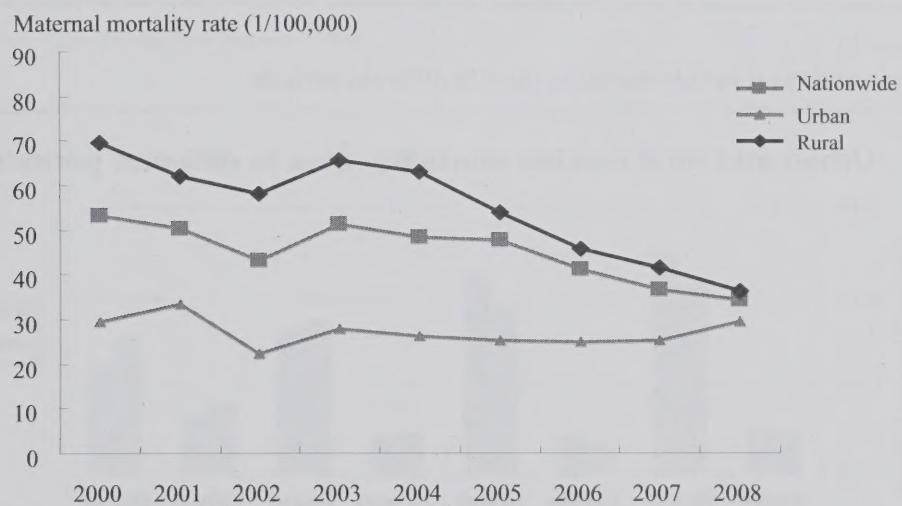
*Source:* Ministry of Health.

Figure 14  
Maternal and infant mortality rates, 2000-2008

Year	Maternal mortality rate (1/100,000)			Infant mortality rate (%)		
	Nationwide	Urban	Rural	Nationwide	Urban	Rural
2000	53.0	29.3	69.6	32.2	11.8	37.0
2001	50.2	33.1	61.9	30.0	13.6	33.8
2002	43.2	22.3	58.2	29.2	12.2	33.1
2003	51.3	27.6	65.4	25.5	11.3	28.7
2004	48.3	26.1	63.0	21.5	10.1	24.5
2005	47.7	25.0	53.8	19.0	9.1	21.6
2006	41.1	24.8	45.5	17.2	8.0	19.7
2007	36.6	25.2	41.3	15.3	7.7	18.6
2008	34.2	29.2	36.3	14.9	6.6	18.4

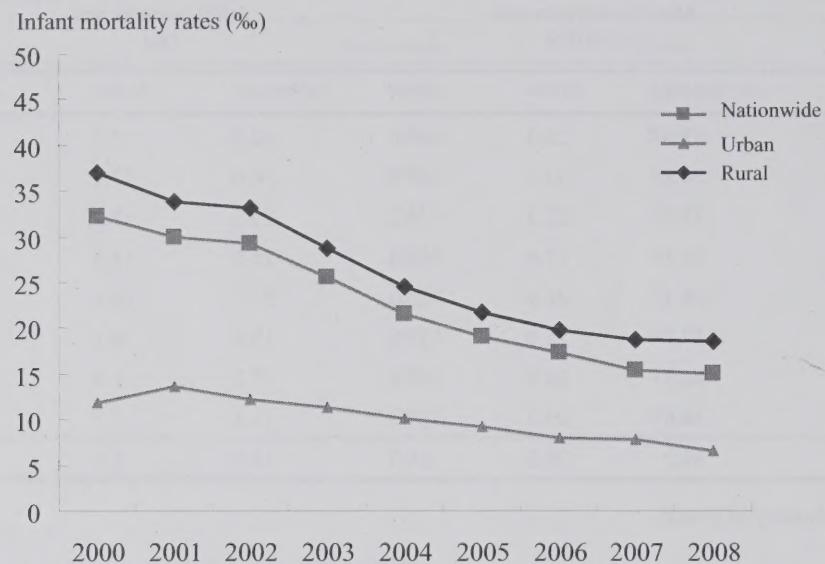
Source: Ministry of Health.

Figure 15  
Trends in maternal mortality rates, 2000-2008



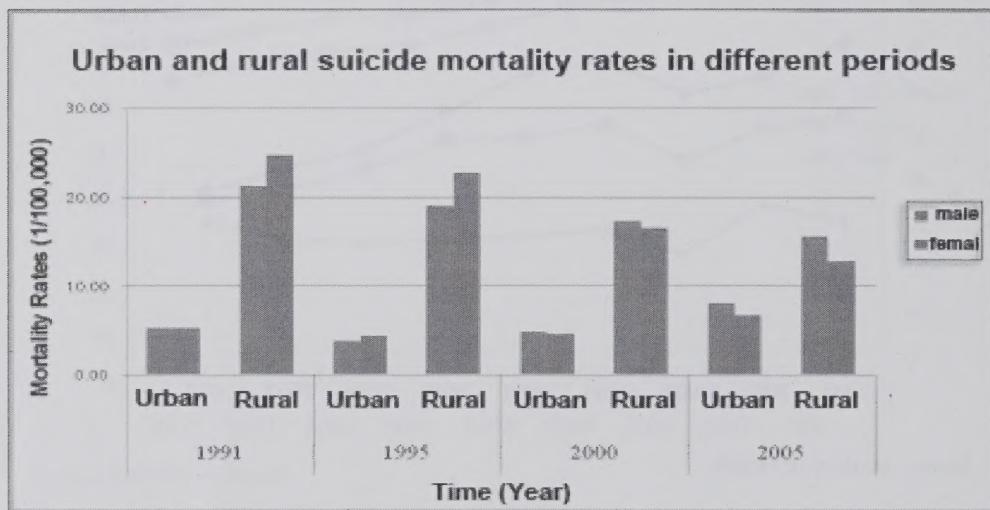
Source: Ministry of Health.

Figure 16  
Trends in infant mortality rates, 2000-2008



Source: Ministry of Health.

Figure 17  
Urban and rural suicide mortality rates in different periods



Source: Ministry of Health.

Figure 18

**Increase of Government investment in science and technology, 2005-2008**

(Billion RMB)

	2005	2006	2007	2008
National funding allocation for science and technology	133.491	168.850	211.4	258.18

*Source:* Ministry of Science and Technology.

Figure 19

**Patent applications and granted patents in China, 1985-2009**

	<i>Examined applications</i>	<i>Granted patents</i>
1985-2004	1 863 521	1 092 549
2005	383 157	171 619
2006	470 342	223 860
2007	586 498	301 632
2008	717 144	352 406
2009	877 611	501 786
<b>Total</b>	<b>4 898 273</b>	<b>2 643 852</b>

*Source:* State Intellectual Property Office.



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